# JOURNAL

of the

# HOUSE OF REPRESENTATIVES

of the

# GENERAL ASSEMBLY

of the

# COMMONWEALTH OF KENTUCKY

Regular Session of 1976

## Volume II

Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the Year of Our Lord 1976, and
in the One Hundred and Eighty-fourth
Year of the Commonwealth

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Begun on the Sixth Day of January, 1976, and Adjourned
Sine Die on the Twentieth Day of March, 1976

Paid from State Funds

## WEDNESDAY, MARCH 3, 1976

## FORTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Jonathan N. Robinson, Plymouth Congregational Church of God United, Louisville.

The roll was called. All present except Representative J. R. Turner.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 2, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 777,** by Representatives Bennett, Muncy, Donnermeyer, Cyrus, and Gray: AN ACT relating to state purchasing.

**HB 778,** by Representative Brinkley: AN ACT relating to motor vehicle registration.

**HB 779,** by Representative Kleier: AN ACT relating to sales and use taxes.

**HB 785,** by Representative Donnermeyer: AN ACT relating to plumbers.

**HB 786,** by Representative Donnermeyer: AN ACT relating to plumbing and plumbers.

**HB 787,** by Representatives Dietz, DeFalaise, Isler, Mann, and Schmidt: AN ACT relating to alcoholic beverages.

**HB 788,** by Representative Clapp: AN ACT relating to fees charges for malt beverages licenses.

**HB 789,** by Representative Dawahare: AN ACT relating to the Department for Finance and Administration.

**HB 790,** by Representative Dietz: AN ACT relating to organization dues of public employes.

**HB 791,** by Representative Pearl: AN ACT relating to income tax.

**HB 792,** by Representatives LeMaster, Fitzgerald, and Arnold: AN ACT relating to sales tax.

**HB 793,** by Representatives Arnold and S. Adams: AN ACT relating to sales tax exemptions.

**HB 794,** by Representatives Muncy and Siler: AN ACT relating to junk motor vehicles.

**HR 80,** by Representatives Donnermeyer, McBee and Schmidt: A RESOLUTION in recognition and support of the Bicentennial Army Reserve Recruiting Achievement Program (BARRAP) of the 487th Engineer Battalion, in Ft. Thomas, Kentucky.

**HR 81,** by Representatives Lindsay, B. Richardson, B. Adams, and Richards: A RESOLUTION honoring the 1975 Western Kentucky University Hilltoppers football team.

**HR 82,** by Representative Morgan: A RESOLUTION commending William Barrow Floyd, Curator of the Old Capitol Restoration.

### Senate Message

Announcing passage of **HB 210, HB 287, SB 231, SB 216, SB 191, SB 253,** SB 95, **SB 78,** and **SB 27.**

### Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 767.**

Banking and Insurance: **SB 220.**

Business Organizations and Professions: **HB 756, HB 763, HB 772, SB 184.**

Cities: **HB 770, SB 242, SB 226.**

Counties and Special Districts: **HB 776.**

Education: **HB 775, SB 276, SB 103.**

Elections and Constitutional Amendments: **SB 90.**

Health and Welfare: **HB 757, HB 758, SB 195.**

Judiciary-Courts: **HB 762, HB 765.**

Judiciary-Statutes: **HB 760, HB 764, HB 766, HB 774.**

Labor and Industry: **HB 773.**

Public Utilities and Transportation: **HB 771.**

State Government: **HB 759, HB 761, HB 768, HB 769.**

### Report of Committees

The Committee on Appropriations and Revenue reported **HB 82,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 2 to **HB 82** is as follows:

Amend printed copy of House Bill 82, on,page 3, line 7, by adding after the word "*means*" the word "*two (2)*"

and on page 3, line 8, by adding the word "*from*" in lieu of the word "*including*"

and on page 6, line 18, by adding after the word "hospital" the words "*or private physician*"

and on page 6, line 24, by adding after the word "hospital" the words "*or private physician*"

The Committee on Appropriations and Revenue reported **HB 244** with Committee Amendment attached thereto, **HB 390, HB 465, HB 547, HB 583, HB 613** with Committee Amendment attached thereto, **HB 674, HB 675, HB 678, HB 695** with Committee Amendment attached thereto, **HB 698,** and **HB 713** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 244,** AN ACT relating to city and suburban bus and taxicab companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 138.655 is amended to read as follows:

As used in KRS 138.655 to 138.725 and 138.990 (17) and (18), unless the context requires otherwise:

(1) "Bureau" means bureau of vehicle regulation;

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof;

(3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction; also including all city streets, alleys and any way or place on which a toll is charged for using such way or place;

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semitrailer attached to or having its front end supported by such motor vehicle;

(5) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any truck or tractor-trailer combination having a total of three (3) or more axles. The number of axles referred to herein shall include not only those axles on the power unit but if a tractor-trailer combination is involved, also those axles on the trailer or semitrailer;

(a) "Axle" as referred to herein means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane;

(b) "Trailers and semitrailers" are those as defined in subsections (1) and (2) of KRS 186.650, except that it does not include those trailers defined in subsection (3) of KRS 186.650 and those exempted from regulation under KRS 186.675. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the state of Kentucky;

(6) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten (10) miles of its limits over a regular route and exclusively within the boundaries of this state;

*(7) A "taxicab" is a motor vehicle operated under one or more taxicab certificates as defined in KRS Chapter 281, and is a vehicle designed or constructed to transport not more than six (6) passengers exclusive of the driver;*

*(8)*[(7)] "Heavy equipment motor carrier" means any person who operates on the public highways of this state as a "motor carrier" as defined in subsection (5) of this section, except that it shall not include motor vehicles used to transport persons for hire;

*(9)*[(8)] "Trip permit" means a permit for the operating during a ten (10) consecutive day period of any motor vehicle of any "heavy equipment motor carrier" not licensed under KRS 138.665;

*(10)*[(9)] "Licensee" means for purposes of KRS 138.655 to 138.725 any person who has been granted a license as a "motor carrier" or a "heavy equipment motor carrier," or any motor vehicle in which a valid trip permit is carried;

*(11)*[(10)] "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways;

*(12)*[(11)] "Gasoline" means gasoline as defined in KRS 138.210 (4);

*(13)*[(12)] "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210 (4);

*(14)*[(13)] "Quarterly" for the purposes of KRS 138.655 to 138.725 means a three (3) month period ending June 30 in the year 1956 and each succeeding three (3) month period thereafter.

Section 2. KRS 138.662 is amended to read as follows:

(1) City and suburban bus *and taxicab* companies operating under a certificate of convenience and necessity issued pursuant to KRS Chapter 281 shall be entitled to a refund of seven-ninths of the amount of KRS Chapter 138 taxes paid on motor fuels used in their regularly scheduled operations in Kentucky.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond issued by a surety company authorized to do business in Kentucky in an amount of not less than one thousand dollars nor more than five thousand dollars to be determined by the Department of Revenue, conditioned upon faithful compliance with this section and upon the payment to the Commonwealth of any refunds to which he was not entitled.

(3) Applications for refund shall on or before the last day of each month following the quarter, September 30, December 31, March 31, and June 30, be made to the Department of Revenue on forms and in

the manner prescribed by it for the refund of tax paid on motor fuel used by buses *and taxicabs* during the quarter. Each application for a refund shall show the number of gallons of motor fuel purchased during the quarter for use in buses *and taxicabs*; the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the Department of Revenue may require. The application shall be made under oath.

(4) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper it shall authorize seven-ninths of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current motor fuel tax receipts.

(5) When the Department of Revenue finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the Department of Revenue shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two years from the date of such findings.

(6) The Department of Revenue may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(7) The refund provided herein shall be effective on motor fuel purchased July 1, 1972 and thereafter.

The Committee Amendment to **HB 244** is as follows:

Amend printed copy of House Bill 244, on page 6, line 11, by deleting "1972" and inserting in lieu thereof "*1978* [1972]"

**HB 390,** AN ACT relating to financing mass transportation programs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 96A.320 is amended to read as follows:

(1) As used in KRS 96A.310 to 96A.370, the term "mass transportation program" shall mean the provision of necessary funds by public bodies to transit authorities created pursuant to KRS chapter 96A with which to acquire, operate and preserve mass transportation facilities.

(2) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by additional voted levies of ad valorem taxes upon all taxable property in such public body or public bodies. Such additional voted levies of ad valorem taxes upon all taxable property in any such public body shall never exceed in the aggregate the limits prescribed by the constitution of Kentucky for any such public body.

(3) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by voted levies of occupational license fees. Such voted levies of occupational license fees shall not exceed one percent (1%) of (a) salaries, wages, commissions and other compensation earned by persons for work done and services performed or rendered, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the public body, or the transit area, except public service companies, banks, trust companies, combined banks and trust companies, combined trust, banking and title companies, and in all other cases where a public body is prohibited by law from imposing a license fee. *Persons who work in a transit area containing a city of the first class but whose legal residence is outside the transit area and which serves the county seat of any county a part of which may win the transit area, shall be exempt from any such voted levy of occupational license fees as provided for in this subsection until such time as transit service is extended to the county seat of the county in which the persons reside, and after approval of the electorate of that county.*

(4) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by the voted

levy of an annual motor vehicle license fee with respect to each and every motor vehicle which is legally registered within either the geographical boundaries of such public body, or the transit area of such transit authority, as appropriate, such annual motor vehicle license fee not to exceed fifteen dollars ($15) in the case of any transit authority which includes in its membership a city of the first class, and seven dollars and fifty cents ($7.50) in all other cases. As used herein, the term "motor vehicle" shall have the meaning ascribed by KRS 186.010(7)(a).

**HB 465,** AN ACT relating to Clerk's fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.010 is amended to read as follows:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fees:

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| Issuing summons | $1.00 |
| Each copy thereof | .50 |
| Entering return thereon | .50 |
| Issuing order of attachment | 1.00 |
| Each copy thereof | .50 |
| Entering return thereon | .50 |
| Issuing order of injunction | 1.00 |
| Each copy thereof | .50 |
| Entering return thereon | .50 |
| Issuing subpoena | 1.00 |
| (All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefore shall not be increased.) | |
| Issuing attachment for a witness | 1.00 |
| Issuing order of arrest | 1.00 |
| Each copy thereof | .50 |
| Entering return thereon | .50 |
| Issuing order of delivery | 1.00 |
| Each copy thereof | .50 |
| Entering return thereon | .50 |
| Issuing each writ of possession | 2.00 |
| Docketing an action, motion or proceeding | .50 |
| Order assigning cases to a division of court | 1.00 |
| Warning order by clerk | 1.00 |
| Order of clerk appointing warning order attorney | 1.00 |
| Issuing a rule | 1.00 |
| Each copy thereof | .50 |
| Filing return on rule | .50 |
| Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the rule docket | .50 |
| Filing a pleading | .75 |
| Filing each exhibit or other paper not a pleading | .50 |
| Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness | .50 |
| Each commission to take deposition | 2.00 |
| Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one | .75 |
| Taking a recognizance of a party or witness | 1.00 |
| Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each | 1.00 |
| Copy thereof | .50 |
| Attendance in court, upon each trial of an action, to be charged to each party for each trial | 2.00 |
| Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the state treasury, for each day | *10.00* [6.00] |
| Swearing a jury | 1.00 |
| Entering a judgment (other than equity action) | 2.00 |
| Each copy thereof | 1.00 |
| Entering or recording a judgment in an equity action, for every ten (10) words | .05 |
| Taxation of costs of each party, to be charged to such party | 1.50 |
| Each copy of a taxation of costs of each party, if called for | .75 |
| Filing copy of costs taxed in the case file | .50 |
| Issuing an execution, with all indorsements thereon | 2.00 |
| Each copy of an execution with all indorsements thereon | 1.25 |
| Recording an execution with indorsements, returns and all papers therewith, when real estate is sold, each ten (10) words | .05 |
| Copying a record for Court of Appeals or other purpose, each ten (10) words | .05 |
| Issuing a supersedeas | 1.50 |
| Each copy thereof | .50 |
| Entering return thereon | .50 |
| Filing each transcript on appeal | .50 |
| Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same | 1.00 |
| Copying a pleading or other paper, each ten (10) words | .05 |
| Indexing in plaintiff's and defendant's general index to suits, each name of parties to an action, to be charged for each listing and once in each case | .50 |
| Indexing in defendant's index of executions of each name of parties to such execution, to be charged for each listing and for each execution issued | .50 |

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| other official or person, each ten words with minimum of one dollar ($1.00) | .05 |
| Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed three pages | 4.50 |
| Exceeding three pages, for each page | 1.50 |
| Each additional certificate | .40 |
| Each additional tract embraced in such deed, except town lots | .40 |
| Copy of deed and certificate thereon | 3.50 |
| Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services | 2.50 |
| Each copy thereof | 2.00 |
| Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred (1200) words | 3.50 |
| All over twelve hundred (1200) words, for every twenty (20) words | .05 |
| Copy of same | 3.00 |
| Noting release of any lien, mortgage or redemption other than a deed of release | 1.50 |
| Receiving the acknowledgment, recording and certifying each deed or release of a mortgage or lien | 3.50 |
| Copying courses and distance of any deed, for each tract when demanded | .40 |
| Recording plat laid down in the allotment of dower or division of land, for each tract thereof | .40 |
| Recording or copying a plat or map of land, each lot | .40 |
| Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident | 6.75 |
| Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city | 6.75 |
| Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not | 1.00 |
| Each order appointing a surveyor of road | 1.00 |
| Each copy thereof | 1.00 |
| (The last two (2) named to be paid out of the county levy.) | |
| Each order in proceedings for private passways, to be paid by applicant | 1.00 |
| Each copy of same, to be paid by applicant when ordered | 1.00 |
| Each report of list of surveyors of roads made and furnished to The grand jury, to be paid out of the county levy | 2.50 |
| Copying a surveyor's report, for every twenty (20) words or fraction thereof | .05 |
| Administering an oath and certificate thereof | 1.00 |
| Issuing license for which no other fee is fixed by law | 1.50 |
| Marriage license, bond, certificate and recording | 3.50 |
| Each order and certificate allowing any claim against the county treasurer or state treasurer, where the claim exceeds five dollars ($5.00), to be paid by the claimant | .70 |
| Recording post notice of an estray, waifboat or wreck, and Advertising same | 1.00 |
| Indexing in plaintiff's and defendant's index of judgments and orders of each name of parties to a judgment and order, to be charged for each listing and for each judgment and order | .50 |
| Each order made by the clerk in vacation or made by the clerk when the court is not in vacation | 1.00 |
| Each order in the county court | 1.00 |
| Each copy thereof when ordered | 1.00 |
| Probate of a will and certificate, including all services relating thereto | 2.00 |
| Order granting an administration, or appointing appraisers of estate of any fiduciary | 1.00 |
| Taking a bond for any fiduciary | 2.00 |
| Certificate of administration or copy of it | .75 |
| Issuing a writ of idiocy or lunacy | 1.50 |
| Recording each inquisition under same | 1.50 |
| Each copy of such inquisition when ordered | 1.50 |
| Recording deed of trust or assignment for the benefit of creditors | 3.50 |
| Copy and certification of same when ordered | 3.50 |
| Taking bonds required of the trustee or trustees in such cases, and including all services connected with it | 3.20 |
| Recording inventories required to be filed by the trustees, for every twenty (20) words | .05 |
| Each official certificate | 1.50 |
| Each bond required to be taken or prepared by the clerk | 2.00 |
| Taking a bond where no fee is fixed specially by law | 2.00 |
| Copy of any bond when ordered | 1.50 |
| Recording a bond, each bond | 2.00 |
| Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same | 1.25 |
| Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof with minimum of two dollars ($2.00) | .06 |
| Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or | |
| For filing, indexing and furnishing filing data for an original or continuation financing statement | 3.00 |

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| For filing and indexing a financing termination statement and ending or delivering the original financing statement | .75 |
| For filing, indexing and furnishing filing data about an assignment of a financing statement | .75 |
| For filing and noting a statement of release of collateral under a financing statement | .75 |

**HB 547,** AN ACT relating to fees and compensation of public officers and employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.530 is amended to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe except the officers named in KRS 64.535.

(2) The county attorney of each county shall receive a reasonable annual salary to be fixed by the fiscal court. In addition to such salary, the county attorney shall also be entitled to the statutory fees of his office, but his annual salary as fixed by the fiscal court plus the fees of his office shall not exceed $14,300.

(3) For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section.

(4) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 64.535 may receive, from both sources. The fiscal court may also fix the number of deputies and assistants, and, except as provided in subsection (8), the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office.

(5) In the case of county officers elected by popular vote, the monthly compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which the officers are elected, and the compensation of the officer shall not be changed during the term but the compensation of his deputies or assistants may be reviewed and adjusted by the fiscal court not later than the first Monday in May of any successive year upon the written request of the officer. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for the county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.

(6) Nothing in this section shall apply to property valuation administrators or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(7) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed two hundred sixty ($260) dollars per month. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first class shall not exceed $9,600 per year, in counties containing cities of the second class it shall not exceed $9,000 per year and in counties containing cities of the third or fourth class it shall not exceed twenty percent more than the annual compensation paid in the county for the calendar year immediately preceding 1974, and all of said annual salaries shall be payable monthly. Justices of the peace and county commissioners shall not receive any compensation for their services on the fiscal court, other than as provided by this section; nor shall they receive any compensation for serving on committees of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation except as provided in KRS 64.285, shall be effective as to any member of a fiscal court during his term of office.

(8) Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this commonwealth, if fees or funds for this purpose are sufficient. The first and second deputies shall be allowed to receive a salary not to exceed *$9600* [$8400] per year; and other deputies shall be allowed to receive a salary not to exceed *$7200* [$6600] per year. Each circuit clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

**HB 583,** AN ACT relating to taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:
It is declared to be the public policy of the commonwealth of Kentucky that institutions of purely public charity as referred to in Section 170 of the constitution of the commonwealth of Kentucky include non-profit corporations, societies, and organizations that own or maintain properties which are or become listed by the United States Department of Interior in the National Register as authorized by title 16, United States Code, Section 470(f).

SECTION 2. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:
"Historical site," as used in this Act, means properties listed by the United States Department of Interior in the National Register as authorized by title 16, United States Code, Section 470(f).

SECTION 3. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:
There is excluded from the computation of the amount of taxes imposed by this chapter:
(1) Gross receipts from charges for admission to historical sites, operated by a non-profit corporation, society, or organization; and
(2) Gross receipts from the sales of materials, supplies, and services to a non-profit corporation, society, or organization to be used to restore, maintain, or operate a historical site.

**HB 613,** AN ACT relating to financing the expansion of the neonatal intensive care unit at the University of Kentucky Albert B. Chandler Medical Center.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. to provide for the expansion of the neonatal intensive care unit at the University of Kentucky Albert B. Chandler Medical Center, by increasing the capacity of the neonatal intensive care unit from the existing seventeen (17) beds to a maximum forty-five (45) beds, there is hereby appropriated to the University of Kentucky Albert B. Chandler Medical Center out of the general fund in the state treasury the sum of $1,500,000 for the 1976-77 fiscal year and the sum of $1,500,000 for the 1977-78 fiscal year.

Section 2. The funds appropriated under Section 1 of this Act shall be provided to the neonatal intensive care unit for additional staff salaries, operating expenses, purchase of equipment and any needed capital construction.

The Committee Amendment to **HB 613** is as follows:

Amend printed copy of House Bill 613, on page 1, line 7, by deleting "out of the" and by deleting lines 8, 9, 10 and 11 in their entirety and inserting in lieu thereof the following: "An amount not to exceed the sum of $3,000,000.00 for fiscal year 1977-78 from funds which accrue to the General Fund as recorded in the official records of the Executive Department for Finance and Administration on June 30, 1977 as a result of surplus in excess of the official estimate."

**HB 674,** AN ACT relating to the allocation and expenditure of coal severance tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:
(1) There is hereby created a coal severance economic aid fund, hereinafter referred to as the "fund", in the state treasury to be administered by the executive department for finance and administration. The fund may receive state appropriations, gifts, grants and federal funds.
(2) Money in the fund shall be used only for capital projects in "coal producing counties" as defined in subsection (3) of this section, consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and the costs relating to architectural design, construction and supervision of such capital projects, including, but not limited to, reclamation and industrial development

projects and loans and grants in aid for capital purposes, KRS 45.040 notwithstanding, excluding, however, consumable and other usable supplies; appropriations having been made by other acts of the general assembly for road and school purposes in such counties, the fund shall not be used directly or indirectly for the acquisition, construction, reconstruction, renovation or maintenance of any school or school property or any road, street, highway or bridge.

(3) As used in this Act, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter 143 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) There is hereby created a coal severance economic aid board, hereinafter referred to as "board", in each coal producing county, to be comprised of the county judge, the mayor of the most populous city within said county, one member selected by the board or boards of education located within said county, and two members at large who are residents of said county to be appointed by the governor. The terms of membership shall be for four years commencing January 1, 1976. Vacancies occurring in the membership shall be filled for the remainder of the unexpired term. The county judge shall serve as chairman and the mayor shall serve as vice-chairman of the board. In counties in which there are two (2) or more school boards, in the event an appointment shall not be made within thirty (30) days after the effective date of this Act or within thirty (30) days after a vacancy occurs during the term of such member or his successor, the governor shall make such appointment.

(5) By August 15, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78, the commissioner of the executive department for finance and administration shall notify the chairman of each board of the total amount in the fund available for expenditure within the applicable coal producing county. The amounts shall be calculated in accordance with the formula provided in Section 3 of this Act.

(6) Each board shall conduct meetings open to the general public for the purpose of soliciting recommendations for capital projects within the county and shall cause notice of the date, place, time and purpose of such meetings to be published once each week for three (3) consecutive weeks in the newspaper of largest general circulation in the county. Expenses incurred for meetings and for such publication shall be paid from the fund upon the warrant by the commissioner of the executive department for finance and administration.

(7) Within thirty (30) days after each such meeting, each board shall notify the commissioner of the executive department for finance and administration, of the capital project or projects, in the order of their respective priority, desired for the coal producing county.

(8) The executive department for finance and administration shall cause cost estimates to be prepared relative to the proposed capital projects and shall advise the chairman of each board of its conclusions with respect thereto as soon as practicable.

(9) The final selection of the capital project or projects to be undertaken in any coal producing county shall be made by its respective board; provided, however, the executive department for finance and administration shall refuse to proceed on any proposed capital project if in the judgment of the commissioner the project cannot be completed at a total cost within the county's allocable share of the fund available for expenditure.

(10) Upon approval of each capital project as provided in subsection (8) of this section, the executive department for finance and administration shall cause to be prepared all plans, specifications and designs, shall advertise for bids and award any contract or contracts, all in accordance with KRS Chapters 45 and 56.

(11) Upon the award of any contract to provide capital improvement and the acquisition or contract of purchase of any real property required by such project, a grant in aid of the projected total cost thereof shall be established to the credit of the appropriate political subdivision, agency or special district or combination thereof, including entities created by or parties to interlocal agreements, and title to any such real property and to the capital project shall be held by the commonwealth until completion and final acceptance as certified by the commissioner of the executive department for finance and administration, at which time title thereto shall vest by conveyance or otherwise in the designated beneficiary of such grant in aid to be used for public purposes. Should the capital project cease at any time to be used for such public purposes, title shall revert to and vest in the commonwealth of Kentucky. No encumbrance of any kind shall be placed upon the capital project or real property and such restriction shall be recited in any deed or other conveyance made between the parties.

(12) Disbursements from the fund shall be made by the state treasurer upon the warrant of the commissioner of the executive department for finance and administration.

SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS HEREBY CREATED TO READ AS FOLLOWS:

The commissioner of the executive department for finance and administration shall promulgate such rules and regulations governing submission and approval of proposed capital projects, the expenditure of moneys from the fund, and the title to capital improvements and real property as shall be appropriate to the implementation of this Act.

SECTION 3. A NEW SECTION OF KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

(1) There is hereby appropriated from the general fund to coal severance economic aid fund $5,000,000 for fiscal year 1976-77 and $5,000,000 for fiscal year 1977-78 for expenditure by the executive department for finance and administration within coal producing counties. The amounts to be expended within each county during each fiscal year of the biennium shall be calculated as follows:

(a) There shall first be allocated for expenditure within each coal producing county the total amount of severance tax revenue actually collected from mining operations within said county during the preceding fiscal year or the sum of $10,000, whichever shall be less;

(b) Eighty percent (80%) of the balance, after deducting the total amount allotted in paragraph (a) of this subsection, shall be apportioned for expenditure within each county on the basis of the ratio of the severance tax collected in each county to the total amount of severance tax collected statewide;

(c) The balance of the fund, after allocations provided in paragraphs (a) and (b) of this subsection, shall be apportioned for expenditure within each coal producing county in which the average per capita income is less than $2,600 as of June 30, 1976, for allocations for fiscal year 1976-77 and as of June 30, 1977, for allocations for fiscal year 1977-78 according to the then current edition of "Kentucky Deskbook of Economic Statistics", Kentucky department of commerce as provided by the United States department of commerce, bureau of economic analysis on the basis of the ratio of population in each such coal producing county to the total aggregate population of all counties qualifying hereunder.

(2) Any balance remaining in the fund at the close of fiscal year 1976-77 shall not lapse, but shall continue into fiscal year 1977-78.

(3) The commissioner of the executive department for finance and administration shall promulgate such rules and regulations governing submission and approval of proposed capital projects, the allocation and expenditure of moneys from the fund, and the title to capital improvements and real property as shall be appropriate to the implementation of this Act.

**HB 675,** AN ACT relating to capital construction.

WHEREAS, the area development districts have demonstrated an ability and the expertise to assess capital construction needs within their respective boundaries; and

WHEREAS, the general assembly desires to have the assistance of the area development district boards and staffs in the recommendation of capital construction projects and to establish a fund for expenditure within each of such districts; and

WHEREAS, it is the desire of the general assembly to make appropriations to an area development fund for expenditure within each district upon a formula generally adhering to the following considerations:

(1) Sixty percent (60%) of the fund is allocated for expenditure within each district in the ratio that the population of the component counties bears to the total population of the state;

(2) Twenty percent (20%) of the fund is allocated for expenditure in each district in inverse proportion to the total manufacturing employment conducted in each such district; and

(3) Twenty percent (20%) of the fund is allocated for expenditure in each district in inverse proportion to the relative per capita income prevailing in each such district;

WHEREAS, it is the desire of the general assembly to vest title in the capital projects completed by the executive department for finance and administration in an appropriate local public agency or agencies;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS HEREBY CREATED TO READ AS FOLLOWS:

(1) There is hereby created an area development fund, hereinafter referred to as the "fund", in the state treasury to be administered by the executive department for finance and administration. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used only for capital projects consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and the costs relating to architectural design, construction and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects and loans and grants in aid for capital purposes, KRS 45.040 notwithstanding, excluding, however consumable and other usable supplies, and shall in no event be used directly or indirectly for the payment or reimbursement of any administrative, salary or other operating

expense of any area development district, and appropriations having been made in other acts of the general assembly for road and school purposes in these districts, the fund shall not be used directly or indirectly for the acquisition, construction, reconstruction, renovation or maintenance of any school or school property or any road, street, highway or bridge.

(3) Each area development district as described in KRS 147A.050 shall submit proposed capital projects to the executive department for finance and administration for review and consideration. Upon the approval of any project submitted, the department shall prepare or cause to be prepared all plans, specifications and designs, shall advertise for any bids required by law and shall award any contracts incident thereto as provided by KRS Chapters 45 and 56.

(4) Upon the award of any contract to provide capital improvement and the acquisition or contract of purchase of any real property required by such project, a grant in aid of the projected total cost thereof shall be established to the credit of the appropriate political subdivision, agency or special district or combination thereof, including entities created by or parties to interlocal agreements, and title to any such real property and to the capital project shall be held by the commonwealth until completion and final acceptance as certified by the commissioner of the executive department for finance and administration, at which time title thereto shall vest by conveyance or otherwise in the designated beneficiary of such grant in aid to be used for public purposes. Should the capital project cease at any time to be used for such public purposes, title shall revert to and vest in the commonwealth of Kentucky. No encumbrance of any kind shall be placed upon the capital project or real property by the public agency and such restriction shall be recited in any deed or other conveyance made between the parties.

(5) Disbursements from the fund shall be made by the state treasurer upon the warrant of the commissioner of the executive department for finance and administration.

SECTION 2. A NEW SECTION OF THE KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

There is hereby appropriated from the general fund to the area development fund $6,000,000 for fiscal year 1976-77 and $6,000,000 for fiscal year 1977-78 for expenditure by the executive department for finance and administration, not in excess of the following amounts and within the designated area development districts:

| | | 1976-77 | 1977-78 |
|---|---|---|---|
| (a) | Purchase | $279,160 | $279,160 |
| (b) | Pennyrile | 315,590 | 315,590 |
| (c) | Green River | 290,600 | 290,600 |
| (d) | Barren River | 306,170 | 306,170 |
| (e) | Lincoln Trail | 325,270 | 325,270 |
| (f) | Jefferson | 911,390 | 911,390 |
| (g) | Northern Kentucky | 408,200 | 408,200 |
| (h) | Buffalo Trace | 249,260 | 249,260 |
| (i) | Gateway | 261,650 | 261,650 |
| (j) | Fivco | 248,820 | 248,820 |
| (k) | Big Sandy | 513,600 | 513,600 |
| (l) | Kentucky River | 617,440 | 617,440 |
| (m) | Cumberland Valley | 374,580 | 374,580 |
| (n) | Lake Cumberland | 299,960 | 299,960 |
| (o) | Bluegrass | 595,310 | 595,310 |

Any balance remaining in the fund at the close of fiscal year 1976-77 shall not lapse, but shall continue into fiscal year 1977-78.

SECTION 3. A NEW SECTION OF KRS CHAPTER 42 IS HEREBY CREATED TO READ AS FOLLOWS:

The commissioner of the executive department for finance and administration shall promulgate such rules and regulations governing submission and approval of proposed capital projects, the expenditure of moneys from the fund, and the title to capital improvements and real property as shall be appropriate to the implementation of this Act.

**HB 678,** AN ACT relating to public roads and highways.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the transportation department. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the Department of Transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal producing counties" as defined in subsection (3) of this section.

(3) As used in this Act, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter 142 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) By August 15, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78, the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal producing county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total tons of coal severed in each coal producing county and the denominator of which shall be the total tons of coal severed in all coal producing counties during the fiscal year next preceding that for which allocations of the fund are made.

(5) Any balance remaining in the fund at the close of the fiscal year 1976-77 shall not lapse, but shall continue into fiscal year 1977-78.

(6) Within thirty (30) days thereafter the department of highways shall consult with the fiscal courts of each coal producing county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, KRS 177.340 and KRS 177.350, provided however that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

**HB 695,** AN ACT appropriating money out of the general expenditure fund in the state treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the lapsing or insufficiency of former appropriations against which said claims were chargeable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. There is appropriated out of the general expenditure fund in the state treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of lapsing of former appropriations against which said claims were chargeable, the sums hereinafter specified:

| | |
|---|---|
| Robert M. Barr, D.M.D., P.S.C.<br>1146-A Kenton Street<br>Bowling Green, Kentucky 42101 | $ 56.00 |
| Ashland Petroleum Company<br>P. O. Box 352<br>Flemingsburg, Kentucky 41041 | $ 301.11 |
| Ashland Petroleum Company<br>Adrian A. Holliday<br>P. O. Box 2458<br>Columbus, Ohio 43216 | $ 88.50 |
| Ashland Petroleum Company<br>Adrian A. Holliday<br>P. O. Box 2458<br>Columbus, Ohio 43216 | $ 31.88 |
| Henderson County Fiscal Court<br>Courthouse<br>Henderson, Kentucky 42420 | $ 3,100.00 |

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|---|---|
| Roy E. Pelfrey Associates, Inc.<br>P. O. Box 1689<br>512 Codell Drive<br>Lexington, Kentucky 40501 | $ 414.13 |
| Pewee Valley Hospital<br>Pewee Valley<br>Kentucky 40056 | $ 130.90 |
| Orville Sanderson & Sons<br>Plumbing & Heating<br>P. O. Box 2<br>Frankfort, Kentucky 40601 | $ 207.89 |
| Wm. A. Carrigan Wilson<br>1420 Eastern Parkway<br>Louisville, Kentucky 40204 | $ 334.59 |
| Means Services<br>1225 W. High Street<br>Lexington, Kentucky 40508 | $ 109.96 |
| Louisville General Hospital<br>323 E. Chestnut Street<br>Louisville, Kentucky 40402 | $ 29.80 |
| Henry Garretson, M.D.<br>c/o Clinical Service Association<br>P. O. Box 118<br>Louisville, Kentucky 40201 | $ 900.00 |
| Rainbo Baking Company<br>P. O. Box 86<br>Lexington, Kentucky 40501 | $ 255.25 |
| Rainbo Baking Company<br>P. O. Box 86<br>Lexington, Kentucky 40501 | $ 1,142.99 |
| G. V. Joseph Lumber Company<br>Salyersville<br>Kentucky 41465 | $ 667.13 |
| General Adjustment Bureau, Inc.<br>123 William Street<br>New York, New York 10038 | $ 225.00 |
| F. S. VanHoose and Company<br>Paintsville<br>Kentucky 41240 | $ 1,068.59 |
| Dr. Charles E. Eastin<br>Route 9<br>Lexington, Kentucky 40205 | $ 815.21 |
| Rapp Lumber Company<br>Barbourville<br>Kentucky | $ 157.27 |

| | |
|---|---|
| Graves Humphreys, Inc.<br>P. O. Box 1240<br>Roanoke, Virginia | $ 463.15 |
| Burroughs Corporation<br>Business Forms & Supplies Group<br>P. O. Box 910<br>Rochester, New York 14603 | $ 688.02 |
| Thompson Sanitary Supply House, Inc.<br>761 East Seventh Street<br>Lexington, Kentucky 40505 | $ 295.87 |
| Mr. Tim Stumbo<br>Stumbo's Exxon<br>Routes 117 and 164<br>Grayson, Kentucky 41143 | $ 21.00 |
| Beckman Instruments, Inc.<br>10 Knollcrest Drive<br>Cincinnati, Ohio 45237 | $ 609.00 |
| Ashland Petroleum Company<br>c/o Adrian A. Holliday<br>P. O. Box 2458<br>Columbus, Ohio 43216 | $ 1,801.09 |
| IBM Corporation<br>1733 Harrodsburg Road<br>Lexington, Kentucky 40504 | $ 9,101.50 |
| Norton Children's Hospital, Inc.<br>P. O. Box 655<br>Louisville, Kentucky 40201 | $ 346.89 |
| Phyllis Brooks, Treasurer<br>Morgan County<br>West Liberty, Kentucky | $ 1,100.00 |
| E. L. Hughes, Treasurer<br>Owsley County<br>Booneville, Kentucky | $ 700.00 |
| Porter Taylor, Jailer<br>Scott County<br>Georgetown, Kentucky | $ 1,711.50 |
| Thomas O. Gufton & B. W. Fraser<br>Carlisle County<br>Bardwell, Kentucky | $ 444.48 |
| Ruben Watts, Sheriff<br>Letcher County<br>Whitesburg, Kentucky | $ 250.00 |
| Maggard & Joseph<br>67 Main Street<br>Paintsville, Kentucky 41240 | $ 511.97 |

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|---|---|
| IBM Corporation<br>1733 Harrodsburg Road<br>Lexington, Kentucky 40504 | $ 9,828.10 |
| Coca-Cola Bottling Company<br>P. O. Box 647<br>31 W. North<br>Elizabethtown, Kentucky 42701 | $ 299.20 |
| Lexington Trophy Company<br>480-482 Southland Drive<br>Lexington, Kentucky 40503 | $ 288.12 |
| Jack Dayton & Sons<br>743 E. Main Street<br>Louisville, Kentucky 40202 | $ 209.01 |
| Tom Fuller<br>1247 S. Floyd Street<br>Louisville, Kentucky 40203 | $ 164.85 |
| Guy Fain, Sr.<br>529 Railroad Street<br>Benham, Kentucky | $ 4.77 |
| Country Club<br>Russellville<br>Kentucky | $ 30.00 |
| Wm. R. & E. Lacy<br>Mariba<br>Kentucky | $ 17.62 |
| Judy D. Hubbard<br>Administratrix of the Estate<br>of Blanton Whitesides<br>Fulton, Hubbard & Kelly<br>117 E. Stephen Foster Avenue<br>Bardstown, Kentucky 40004 | $ 5.90 |
| L. M. Hall, M.D.<br>Lakeview Heights<br>Route 1, Box E-1<br>Morehead, Kentucky 40351 | $ 39.00 |
| R. A. Ball, Jr.<br>P. O. Box 1104<br>Harlan, Kentucky 40831 | $ 143.13 |
| Herman & W. Fields<br>Route 1<br>Box 11, Charles Drive<br>Fort Pierce, Florida 33450 | $ 1.97 |
| Jos. M. Furkin<br>Route 3, Daisy Drive<br>Campbellsville, Kentucky 42718 | $ 3.09 |

| | | |
|---|---|---|
| P. J. & F. M. Eisenbeis<br>201 Oxford Place<br>Louisville, Kentucky 40207 | $ | 25.18 |
| Mr. Miles Adams<br>Adams Grocery<br>Denver, Kentucky 41215 | $ | 13.00 |
| Irvin J. Bacon, Jr.<br>117 Harvard Place<br>Southgate, Kentucky | $ | 3.55 |
| Rose McQueen<br>P. O. Box 432<br>Frankfort, Kentucky 40601 | $ | 41.03 |
| Logan E. Patterson<br>Patterson & Berger<br>Attorneys at Law<br>Walnut Street<br>Pineville, Kentucky 40977 | $ | 64.90 |
| Patrick N. Quinn<br>3465 Castletonway<br>Lexington, Kentucky | $ | 20.01 |
| R. H. Sexton<br>2306 Eulah Street<br>Paducah, Kentucky | | 4.76 |
| Ohio Valley National Bank<br>Henderson, Kentucky | $ | 6.98 |
| Mr. P. Davis<br>Vinyl Specialty Mfg. Co.<br>P. O. Box 2037<br>Louisville, Kentucky | $ | 19.40 |
| Jack G. Greene<br>Department for Human Resources<br>Frankfort, Kentucky 40601 | $ | 75.25 |
| Mary D. Veith Troklus<br>302 Cannons Lane<br>Louisville, Kentucky 40206 | $ | 16.03 |
| Melvin R. & B. Kouns<br>3615 Valley Drive<br>Ashland, Kentucky 41101 | $ | 99.95 |
| L. M. Kurtz<br>Room 340, Service Building<br>University of Kentucky<br>Lexington, Kentucky | $ | 222.77 |
| Edward Anderson<br>6905 Southside Drive<br>Louisville, Kentucky 40219 | $ | 9.44 |

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|---|---|
| Charles Puckett<br>Route 3<br>Paris, Kentucky 40361 | $ 3.38 |
| William C. Dugan<br>Lewis County Herald<br>206 Main Street<br>Vanceburg, Kentucky 41179 | $ 5.21 |
| Sheila Gaitwood Harper<br>3266 Tulip Drive<br>Decatur, Georgia 30032 | $ 42.00 |
| Jean Gable<br>P. O. Box 217<br>W. Prestonburg, Kentucky 41668 | $ 6.50 |
| E. G. Adams<br>P. O. Box 1147<br>Sedalia, Missouri 65301 | $ 23,312.50 |
| Mary A. Brown<br>Box 129<br>Richland, Virginia 24641 | $ 1.94 |
| Crocker B. Clegg<br>1609 Pasadena Avenue South<br>Suit 4-G<br>St. Petersburg, Florida 33707 | $ 461.73 |
| Clarence B. Engle<br>101 Steele Avenue<br>Corbin, Kentucky 40701 | $ 2.24 |
| Timothy F. Reilly<br>Box 499, USL<br>Lafayette, Louisiana 70501 | $ 3.21 |
| Abe Essig<br>Route 1<br>Rochelle, Illinois | $ 21.12 |
| Juda Keyes<br>124 Oak Street<br>Pineville, Kentucky 40977 | $ 19.41 |
| Delsie Johnson<br>Box 2<br>Speight, Kentucky | $ 9.78 |
| James Hardison<br>2808 Thistlewood<br>Louisville, Kentucky | $ 10.40 |
| Patricia A. Richardson<br>Box 383<br>Taylorsville, Kentucky 40071 | $ 3.92 |
| Mary Anne Voss Grose<br>2424 Longest Avenue<br>Louisville, Kentucky | $ 16.65 |

| | | |
|---|---|---|
| James E. Chaney, Administratrix<br>of William R. Owen Estate<br>Canmer Deposit Bank<br>Canmer, Kentucky | $ | 81.00 |
| Thomas J. Graves<br>11203 Bardstown Road<br>Louisville, Kentucky 40291 | $ | 7.00 |
| Lewisburg Building Supply, Inc.<br>P. O. Box 296<br>Lewisburg, Kentucky | $ | 27.01 |
| Dowell M. & B. Goe<br>1449 Emerson Lane<br>Milford, Ohio | $ | 10.00 |
| Celeste Blazier, Executrix<br>Estate of Ralph W. Blazier<br>Route 1, Box 109A<br>Princeton, Kentucky 42445 | $ | 26.00 |
| Richard T. Unkraut<br>3353 Blue Jay Court<br>Covington, Kentucky | $ | 1.32 |
| Shirley Emmit Rogers, Executrix<br>Estate of Mary E. Emmit<br>234 Leawood Drive<br>Frankfort, Kentucky 40601 | $ | 3.44 |
| J. A. Ickes<br>837 Main Street<br>Hamilton, Ohio 45013 | $ | 4.14 |
| Wolfe County Court Clerk<br>Commonwealth vs. Laura Virginia Bush<br>Attention W. A. Kendall<br>Department of Transportation | $ | 90.00 |
| Jewell Hodges<br>Kentucky Retirement Systems<br>226 West Second Street<br>Frankfort, Kentucky 40601 | $ | 360.72 |
| Charles J. Schear, Estate<br>502 Campbell Towers<br>Fourth & York Streets<br>Newport, Kentucky 41071 | $ | 21.75 |
| Claire Morris<br>Administratrix, James Morris Estate<br>2730 Field Avenue<br>Louisville, Kentucky | $ | 71.45 |
| Oscar J. and G. Bailey, Estate<br>P. O. Box 129<br>Williamsburg, Kentucky 40769 | $ | 21.71 |
| Acme Visible Records, Inc.<br>1941 Bishop Lane<br>Louisville, Kentucky 40218 | $ | 5,964.69 |

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|---|---|
| Alvin & Co., Inc.<br>611 Palisado Avenue<br>Windsor, Connecticut 06095 | $ 208.85 |
| Lexington Salesbook Co.<br>P. O. Box 1031<br>Lexington, Kentucky 40501 | $ 263.25 |
| Total | $ 70,820.00 |

Section 2. The persons and companies named above having in good faith furnished the services, supplies, and materials enumerated in Section 1, and the commonwealth having received the benefits of same, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the governor.

The Committee Amendment to **HB 695** is as follows:

Amend printed copy of House Bill 695, on page 9, after line 14, by adding the following:

| | |
|---|---|
| "Frankfort Habilitation, Inc.<br>P. O. Box 771<br>Frankfort, Kentucky 40601 | $ 82.69 |
| David R. Higgins<br>David R. Higgins Construction Co.<br>Mayfield, Kentucky | $ 7,885.00 |
| Children's Hospital Medical Center<br>The Children's Hospital<br>Elland and Bethesda Avenue<br>Cincinnati, Ohio 45229 | $ 6,517.95" |

and on page 9, line 16 by deleting "$70,820.00" and substituting in lieu thereof "$85,305.64".

**HB 698,** AN ACT relating to required local tax effort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 157A.100 is amended to read as follows:

(1) On or before January 1 of each year the department of revenue shall determine the fair cash value of all property subject to assessment for school purposes, including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425, and shall determine the percentage the fair cash value in each district is of the total equalized value of all property in the commonwealth subject to taxation for school purposes and shall certify such information to the superintendent of public instruction for use in determining the required local tax effort for each district for the fiscal year beginning on July 1, next after such certification. *The certification of the equalized value of agricultural and horticultural property shall be the same valuation as used for tax purposes under the provisions of KRS 132.450.*

(2) The superintendent of public instruction shall for the 1968-69 fiscal year use the aggregate required local tax effort and the required local tax effort for the respective school districts which were determined for use during the 1967-68 fiscal year. For each fiscal year subsequent to 1968-69, the aggregate required local tax effort for the commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total equalized value of all property in the commonwealth subject to school taxation for school purposes by the aggregate required local tax effort of the commonwealth.

(3) Any district's levy under KRS 160.470 shall be at such rate as is necessary to provide the required local tax effort.

**HB 713,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 138.450 is amended to read as follows:

As used in KRS 138.460 and 138.470, unless the context requires otherwise:

(1) "Dealer" means any person engaged in the sale of motor vehicles at retail;

(2) "Motor vehicle" means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires;

*(3) "Retail price" shall be determined as follows:*

*(a) For a new motor vehicle sold without a trade-in, "retail price" shall be the total amount paid by the purchaser for the vehicle as sworn to by both parties to the transaction.*

*(b) Where a used motor vehicle is taken in trade on a new motor vehicle, the "retail price" of the new motor vehicle shall be the total amount of consideration received by the dealer as sworn to by both parties to the transaction with no deduction allowed for the value of the vehicle taken in trade.*

*(c) In the case of new motor vehicles, "retail price" shall under no circumstances be less than the dealer's cost of such vehicle including the cost of all equipment and accessories and transportation charges.*

*(d) Where a dealer is determined to have given false information concerning "retail price" as defined in (a), (b), and (c) above, such dealer's license shall be revoked as provided in KRS 190.040.*

*(e) For used motor vehicles whose values appear in the automotive reference manual prescribed by the department of revenue, "retail price" shall be the value given in such reference manual.*

*(f) For the older used motor vehicles whose values no longer appear in the automotive reference manual, "retail price" shall be determined as follows:*

| Number of Years Removed From Manual | Retail Price |
|---|---|
| *1* | *75% of value of same make vehicle last appearing in manual* |
| *2* | *50% of value of same make vehicle last appearing in manual* |
| *3* | *25% of value of same make vehicle last appearing in manual* |
| *All Others* | *10% of value of same make vehicle last appearing in manual* |

*(g) In the case of used motor vehicles previously registered in this state, which are sold in this state, a trade-in allowance equal to the "retail price" of the vehicle taken in trade shall be deducted in computing the "retail price" of the vehicle sold.*

[(3) "Retail price" for new motor vehicles shall be the manufacturer's suggested retail price of the vehicle with all equipment and accessories, standard and optional, and transportation charges; for used motor vehicles it shall be determined by the retail value given in the automotive reference manual prescribed by the department of revenue. In the case of used motor vehicles previously registered in this state, which are sold in this state, a trade-in allowance equal to the value of the vehicle taken in trade as sworn to by the seller not to exceed the fair market value of the vehicle taken in trade shall be deducted in computing the retail price of the vehicle sold.]

Section 2. KRS 138.460 is amended to read as follows:

(1) On and after July 1, 1972 a tax levied upon its retail price at the rate of five percent shall be paid on the use in this state of every motor vehicle, except those exempted by KRS 138.470, at the time and in the manner provided in this section. In the case of trucks of gross weight in excess of ten thousand pounds (10,000 lbs.) the tax shall be levied upon ninety percent of the retail price of the vehicle.

(2) The tax shall be collected by the county court clerk or other officer with whom the vehicle is required to be registered:

(a) When he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

(b) Or upon the transfer of ownership of any motor vehicle previously registered in this state.

(3) The tax collected by the county clerk under this section shall be reported and remitted to the department of revenue on forms provided by the department. The county clerk shall for his services in collecting the tax be entitled to retain an amount equal to two percent of the tax collected and accounted for.

(4) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, or transfer the ownership of any motor vehicle previously registered in this state, unless the owner or his agent pays the tax levied under this section in addition to the transfer, registration and license fees.

(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.

(6) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostat copy to the copy of the certificate of registration and ownership mailed to the department.

*(7) Notwithstanding the provisions of KRS 138.450(3), in no case shall the tax be less than five dollars ($5.00) upon first registration of or any transfer of ownership of a motor vehicle in this state, except where such vehicle is exempt from tax under 138.470.*

*(8) Where a new motor vehicle is sold by a dealer in this state and the original purchaser returns the vehicle for any reason to the same dealer within ten (10) days for a new vehicle replacement, the purchaser shall be entitled to a refund of the amount of usage tax received by the department of revenue as a result of the registration of the returned vehicle. The registration of the returned vehicle shall be cancelled and the vehicle shall be considered to have not been previously registered in Kentucky when resold by the dealer.*

Section 3. The provisions of this Act shall become effective July 1, 1976.

The Committee on Business Organizations and Professions reported **HB 28, HB 371, HB 484, HB 559** with Committee Amendment attached thereto, **HB 644, SB 75** with Committee Amendment attached thereto, **SB 145** and **SB 151** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 28,** AN ACT relating to cooperative corporations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 272.020 is amended to read as follows:

*(1) Any three (3) or more persons who are residents of this state may organize a corporation under KRS Chapter 271A consistent with the provisions of KRS 271A.020 to 271A.050 to conduct or engage in any lawful activity on the cooperative plan both as a consumer and producer, except banking, insurance, labor unions, rural cooperative corporations as authorized in KRS Chapter 279, or the building or operating of railroads.*

[(1) Any three (3) or more persons who are residents of this state may organize a corporation to conduct any agricultural, dairy, mercantile, mining, manufacturing or mechanical business on the cooperative plan.]

(2) The directors of the corporation shall be elected by the stockholders at such times and for such term of office as the bylaws prescribe, and shall hold office until their successors are elected. A majority of the stockholders at any regular or special stockholders' meeting, legally called, may remove any director or official for cause, and fill the vacancy.

(3) There shall be a president, one or more vice presidents, and a secretary and treasurer, or secretary treasurer, elected annually by and from the directors.

(4) No stockholder, regardless of the number of shares he may own, shall have more than one (1) vote upon any proposition.

**HB 371,** AN ACT relating to licensing of hearing aid specialists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 334.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the board *of* [for licensing] hearing aid *specialists* [dealers and fitters].

(2) "License" means a license issued by the state under this chapter to hearing aid *specialists* [dealers and fitters].

(3) "Temporary permit" means a permit issued while the applicant is in training *or awaiting examination* to become a licensed hearing aid *specialist* [dealer or fitter].

(4) "Hearing aid" means any wearable instrument or device designed for or *offered for the purpose of aiding, enhancing or compensating for impaired human hearing and any part, attachments or accessories, including ear molds, but excluding batteries and cords* [represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device].

(5) *"Hearing Aid Specialist" is defined as one who practices either the fitting or selling of hearing instruments or counseling and testing for hearing deficiencies. A hearing aid specialist may describe himself as a hearing aid specialist, hearing aid otometrist, hearing aid audiologist, hearing instrument specialist, hearing aid dealer, hearing aid fitter, audioprosthologist, or any similar titles or descriptions of service.* ["Practice of fitting and dealing" in hearing aids shall mean the measurement of human hearing by means of an audiometer or by other means devised for the purpose of making selections, adaptions and sales of hearing aids to compensate for hearing loss.] The term also includes the making of *ear mold impressions* [ear molds].

(6) "Sell or sale" shall mean any transfer of title or of the right to use by lease, bailment, or any other contract, *excluding wholesale transactions with distributors or dealers.*

Section 2. KRS 334.020 is amended to read as follows:

*(1)* No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting and sale of hearing aids unless he holds an unsuspended, unrevoked license issued by the board as provided in this chapter, or unless he holds a current, unsuspended, unrevoked certificate of endorsement pursuant to KRS 334.050. The license shall be conspicuously posted in each office or place of business.

*(2) A license under this Act shall confer upon the holder the right to select, fit and sell hearing aids, and to test for hearing deficiencies.*

Section 3. KRS 334.030 is amended to read as follows:

(1) Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain the licensee's signature, and show his printed name and business address and the number of his certificate, together with specifications as to the make and model of the hearing aid furnished, with full terms of sale clearly stated. If an aid which is not new is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned," whichever is applicable, with terms of guarantee, if any.

(2) Such receipt shall bear in no smaller type than the largest used in the body copy portion the following: "The purchaser has been advised at the outset of his relationship with the hearing aid *specialist* [dealer] that any examination(s) or representation(s) is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore must not be regarded as medical opinion or advice."

(3) Any person engaging in the fitting and sale of hearing aids will, when dealing with a minor, ascertain whether the minor, *less than 18 years of age,* has been examined by an otolaryngologist and an audiologist holding a certificate of clinical competence for their recommendations within 90 days prior to the fitting. If such not be the case, a recommendation to do so prior to sale of the aid must be made and this fact noted on the receipt. All examinations performed shall be listed on receipt.

Section 4. KRS 334.040 is amended to read as follows:

(1) This chapter does not apply to a person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization, which is primarily supported by voluntary contributions, *so long as they do not engage in or profit from the practice of either fitting, selling, or dispensing hearing aids.*

(2) This chapter shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice in the Commonwealth of Kentucky *or who is an audiologist holding a valid license under KRS Chapter 334A,* from *testing* [treating] or fitting hearing aids to the human ear, which includes the making

of *an ear mold impression so long as they do not engage in or profit from the sale of hearing aids* [ear molds, or to an audiologist holding a Certificate of Clinical Competence of the American Speech and Hearing Association so long as they do not engage in the sale of hearing aids].

Section 5. KRS 334.050 is amended to read as follows:

An applicant for a license shall pay a *non-refundable application* fee of $50.00, *which shall satisfy the first year's licensure fee if the application is approved,* and show to the board that he:

(1) Is a [citizen] resident of the Commonwealth *or will, if licensed, have an established place of business as a hearing aid specialist, therein;*

(2) Is a person of good moral character;

(3) Is 18 years of age or older;

(4) Has an education equivalent to a four-year course in an accredited high school*;* [, or has continuously engaged in the practice of fitting hearing aids in this Commonwealth during the three years preceding June 16, 1972;]

*(5) Beginning January 1, 1977, in addition to the payment of the certificate or license renewal fee, each hearing aid specialist licensee applying for the renewal of his certificate or license shall furnish to the board satisfactory evidence that he has attended at least two (2) days of an annual education program conducted by the board or, if certified by the board as an acceptable equivalent, a similar educational program of at least two (2) days duration conducted by hearing aid manufacturers or periodic educational programs conducted by the National Hearing Aid Society in the year just preceding such application for the renewal of his certificate. The secretary-treasurer of the board shall send a written notice of this requirement to every person holding a valid certificate or license issued by the board at least thirty (30) days prior to the first day of January in each year, directed to the last known address of such licensee or certificate holder.*

*(6)* [(5)] Is *without affliction with a contagious or infectious disease which would render the fitting of hearing aids by the applicant dangerous to the public health* [free of contagious or infectious disease].

Section 6. KRS 334.060 is amended to read as follows:

(1) An applicant for license who is notified by the board that he has fulfilled the requirements of KRS 334.050 shall appear at a time, place and before such persons as the board may designate and pass written and practical tests in order to demonstrate that he is qualified to practice the fitting of hearing aids. [The examination administered shall not be conducted in a manner that college training is required in order to pass.] Nothing in the examination shall imply that the applicant shall possess the degree of medical competence normally expected of a physician [, or of audiological competence of a certified audiologist].

(2) The board shall give at least one examination of the type prescribed in [subsection (1) of] KRS 334.070 in each year, and such additional examinations as the volume of applications may make appropriate.

Section 7. KRS 334.070 is amended to read as follows:

*The qualifying examination provided in KRS 334.060 shall be designed to demonstrate the applicant's adequate technical qualifications by:*

*(1) Tests of knowledge in the following areas as they pertain to the fitting and sale of hearing aids:*

*(a) Basic physics of sound;*

*(b) The anatomy and physiology of the ear;*

*(c) The function of hearing aids;*

*(d) Knowledge and understanding of the grounds for revocation, suspension, or probation of a license; and*

*(e) Knowledge and understanding of criminal offenses associated with violation of the provisions of this Act.*

*(2) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:*

*(a) The procedures and use of equipment established by the board for either the fitting, dispensing, or selling of hearing aids;*

*(b) Taking ear mold impressions;*

*(c) Measurement of hearing as it pertains to the fitting, dispensing, or selling of aids; and*

*(d) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaption of a hearing aid.*

*(3) Evidence of knowledge regarding the medical and rehabilitation facilities for hearing impaired children and adults that are available in the area served.*

[The examination required in KRS 334.060 shall consist of:

(1) Tests of knowledge as they pertain to fitting of hearing aids including:

(a) Basic physics of sound;

(b) The anatomy and physiology of the ear, including the science of hearing causes and rehabilitation of abnormal hearing and hearing disorders; and

(c) The function of hearing aids.

(2) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing;

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(c) Masking when indicated;

(d) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaption of a hearing aid; and

(e) Taking earmold impressions.]

Section 8. KRS 334.080 is amended to read as follows:

(1) *The board shall issue a license to each applicant who satisfies the requirements of KRS 334.050 and passes the examination required in KRS 334.060. The license shall be renewed annually by payment of a fee, as set out in KRS 334.110.* [Upon payment of $50.00, the board shall register each applicant who satisfactorily passes the examination. Thereupon the board shall issue to the applicant a license. The license shall be effective for one year.]

(2) Whenever the board determines that another state or jurisdiction has requirements *substantially* equivalent to or higher than those in effect pursuant to this chapter for the selling and the practice of fitting hearing aids, and that such state or jurisdiction has a program *substantially* equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to sell and fit hearing aids, the board may, *without requiring the trainee period set out in KRS 334.090, and without the examination required in KRS 334.060,* issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to sell and fit hearing aids in such other state or jurisdiction upon application *so long as the applicant successfully passed the examination in that state.* [and successful completion of examination. No such applicant for a certificate of endorsement pursuant to this subsection shall be required to submit to or undergo any training, investigation or other procedure, other than the payment of fees and examination pursuant to KRS 334.050 to 334.070.] The holder of a certificate of endorsement shall be registered in the same manner as holders of licenses *and excepting the exemption from trainee period and examination shall be subject to all other provisions of this Chapter.* [The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds and procedures for renewal, suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of licenses.]

*(3) Applicants unable to or failing to demonstrate comparable licensing, as set out in subsection (2), shall satisfy the trainee requirement of KRS 334.090, and shall be subject to all other provisions of this Act.*

Section 9. KRS 334.090 is amended to read as follows:

(1) An applicant who fulfills the requirements of KRS 334.050 and who has not previously applied to take the examination provided under [subsection (1) of] KRS 334.060 may apply to the board for a temporary trainee permit. *Successful completion of the trainee apprenticeship prior to taking the examination is required of all applicants except those exempted under KRS 334.080 and those having previously taken the examination.* The *non-refundable* fee shall be $25.00.

(2) Trainee apprenticeship shall be for six (6) months *during which period the sponsor shall be responsible for all acts of the trainee in fitting hearing aids. Any infractions of this chapter by the trainee may be chargeable to the sponsor. The stages of this period shall be* as follows:

(a) Stage I—he trainee shall work for thirty (30) days under the direct control of a registrant. He cannot in any way fit or test the customer.

(b) Stage II—his training stage shall last for sixty (60) days. During this period the trainee may do testing necessary for the proper selection and fitting of a hearing aid and make ear *mold* impressions. During this period the trainee may not make delivery or final fitting.

(c) Stage III—he trainee may engage in all activities of a licensed *hearing aid specialist* [person]. He must, however, work under and be responsible to a licensed *specialist* [dealer] the following ninety (90) days.

(3) The above stages must be completed with no interim time lapse between stages. In the event the trainee leaves his place of training without approval of his employer, he loses seniority, and must revert to stage I. This ruling is subject to appeal to the board.

(4) After such period has passed, trainee shall take the qualifying examination given by the board for a license and upon successfully passing said examination, may obtain a license.

(5) If a person who holds a temporary permit issued under this section takes and fails to pass the qualifying examination, the board may renew the temporary trainee permit for a period ending ten (10) days

after the date of the next qualifying examination. A *non-refundable* fee of twenty-five dollars ($25.00) shall be paid at the time the qualifying examination is repeated. A temporary trainee permit may be renewed only once and during this period the trainee shall continue in stage III of the trainee apprenticeship period.

(6) At such time as a course in fitting and selling of hearing aids, as approved by the board, shall be established in the Commonwealth of Kentucky, a satisfactory completion of this course shall be considered equivalent to stages I and II of the trainee period.

(7) Any person who shall hold an unsuspended or unrevoked certificate or license to fit and sell hearing aids in another state may make application to the board for *a certificate of endorsement if the requirements of KRS 334.080 (2) have been met* [examination in lieu of any trainee period].

(8) Temporary trainee permit holders shall be governed by all standards of regulations and ethical conduct pertaining to regular licensees.

*(9) If an applicant fails to pass the examination twice he shall not be permitted to take the examination again without proof of further adequate study as the board shall by regulation provide. Until such proof is given and the examination passed, the applicant may not sell, select, fit, adjust, test, maintain, or repair hearing aids.*

Section 10. KRS 334.100 is amended to read as follows:

(1) A person who holds a license, a temporary trainee permit or a certificate of endorsement shall notify the board in writing of the address of the place or places where he engages or intends to engage in the practice of fitting or sale of hearing aids.

(2) The board shall keep a record of the places *of business of the licensee* [where the practice of fitting and selling or offering for sale hearing aids is engaged in, as well as the places of practice of persons who hold licenses, temporary trainee permits or certificates of endorsement].

(3) Any notice required to be given by the board to a person who holds a license, temporary trainee permit or certificate of endorsement may be given by mailing it to him at the address of the last place of practice of which he has notified the board.

Section 11. KRS 334.110 is amended to read as follows:

Each person who engages in the fitting and sale of hearing aids shall annually, on or before January 30, pay to the board a fee of fifty dollars ($50.00) for a renewal of his license or certificate of endorsement. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the board for posting in each location *by paying a fee to the board of $7.50 for each duplicate.* A thirty-day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of a fee of seventy-five dollars ($75.00) to the board. The board may suspend the license of any person who fails to renew his license or certificate of endorsement before the expiration of the thirty-day grace period. After the expiration of the grace period, the board may in its discretion renew such license upon the payment of one hundred dollars ($100.00) to the board. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, provided such renewal application is made within *five (5)* [two] years from the date of such expiration.

Section 12. KRS 334.120 is amended to read as follows:

(1) Any person wishing to make a complaint against a licensee under this chapter shall reduce the same to writing and file this complaint with the board within one (1) year from the date of the action upon which the complaint is based. If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee at least twenty (20) days before the date set for hearing at the last known address. Continuances or adjournment of hearing date shall be made if for good cause.

(2) Any person registered under this chapter may have his license revoked or suspended for a fixed period by the board for any of the following causes:

(a) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of conviction, or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(b) Procuring of license by fraud or deceit practiced upon the board.

(c) Unethical conduct, including:

1. The obtaining of any fee or the making of any sale by fraud or misrepresentation;

2. *Knowingly e* [E]mploying directly or indirectly any suspended or unregistered person to perform any work covered by this chapter;

3. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;

4. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;

5. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic ," ["clinical audiologist," or "state licensed," "state approved]" or similar words, abbreviations or symbols which *tend to connote the medical profession when such use is not accurate* [give the impression that service is being provided by persons trained in medicine or audiology, or that the licensee's service is state recommended when such use is not accurate];

6. Habitual intemperance;

7. Gross immorality;

8. Permitting another's use of a license;

9. Advertising a manufacturer's product or using a manufacturer's name or trade-mark which implies a relationship with the manufacturer that does not exist; or

10. Directly or indirectly giving or offering to give, or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid *specialist* [dealer or fitter], or influencing persons to refrain from dealing in the products of competitors.

(d) *Affliction with a contagious or infectious disease, chronic or persistent inebriety or addiction to a drug habit, which renders the practice of fitting hearing aids by the licensee or trainee dangerous to the public health or safety.* [Conducting business while suffering from a contagious or infectious disease.]

(e) Engaging in the fitting, *dispensing* and sale of hearing aids under a false name, or alias *with fraudulent intent.*

(f) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids *except in cases of selling replacement hearing aids.*

(g) Gross incompetence or negligence in fitting, *dispensing* and selling hearing aids.

(h) Advertising professional methods or professional superiority.

(i) Violating any provisions of this chapter.

*(3) The board may initiate proceedings under KRS 334.010 to 334.180 either on its own motion or the complaint of any person, so long as the notice and hearing requirements of KRS 334.120 (1) are met.*

Section 13. KRS 334.130 is amended to read as follows:

No person shall:

(1) Sell, barter, or offer to sell or barter a license, *certificate of endorsement,* or a temporary trainee permit.

(2) Purchase or procure by barter a license, *certificate of endorsement* or permit with intent to use it as evidence of the holder's qualification to practice the fitting and sale of hearing aids.

(3) Alter a license, *certificate of endorsement* or temporary trainee permit with fraudulent intent.

(4) Use or attempt to use as a valid license, *certificate of endorsement* or temporary trainee permit, a license, *certificate of endorsement* or permit which has been purchased, fraudulently obtained, counterfeited or materially altered.

(5) Wilfully make a false statement in an application for license, *certificate of endorsement* or permit or *in an* application for renewal of a license.

(6) Sell, barter or offer for sale any brand or model of hearing aid device not having the approval of the Board *for* [of] Hearing Aid *Specialists* [Dealers] for reasonable merchantability and workmanship.

Section 14. KRS 334.135 is amended to read as follows:

The Kentucky Board *of* [for Licensing] Hearing Aid *Specialists* [Dealers] is hereby transferred from the Department for Human Resources to the Division of Occupations and Professions in the Executive Department for Finance and Administration for administrative purposes.

Section 15. KRS 334.140 is amended to read as follows:

(1) There is hereby created the "Kentucky Board *of* [for Licensing] Hearing Aid *Specialists* [Dealers]".

(2) *Members of the board shall be residents of the Commonwealth.* The board shall be composed of *seven (7)* [nine (9)] members who shall be appointed by the Governor [within thirty (30) days after June 16, 1972]. Terms of office shall be for four years. Appointments shall be scheduled so that two (2) appointments

shall be made every year, except the fourth year when one appointment shall be made. To accomplish this, [initial] appointments shall be made on the following schedule: Two (2) for one (1) year; *two (2)* [three (3)] for two (2) years; two (2) for three (3) years; and *one (1)* [two (2)] for four years. All terms shall expire on July 31 of *each* designated year. Each member shall serve for the term of his appointment and until his successor has been appointed and qualified. In the event of a vacancy on the board, a new member shall be appointed to serve out the unexpired term. [No member shall serve more than one consecutive term.] The Governor may remove a member only for cause.

(3) *Four (4)* [Five (5)] members shall be hearing aid *specialists who* [dealers. The initial appointees] shall have at least five years' experience as *hearing aid specialists and* [dealers. Those appointed thereafter] *who* shall be licensed under *the provisions of* this chapter. The Governor shall consider nominations from the *Hearing Aid Association of Kentucky* [Kentucky Hearing Aid Dealers Association]. There shall not be two members from the same place of business serving on the board at the same time.

(4) One (1) member shall be a physician licensed to practice medicine in Kentucky and specializing in otology or otolaryngology.

[(5) One (1) member shall be an audiologist holding at least a Master's degree from a recognized college or university having the certification of clinical competence in audiology from the American Speech and Hearing Association.]

*(5)* [(6)] One (1) member shall represent the consumer public.

*(6)* [(7)] One (1) member shall be the secretary for human resources or his representative.

*(7)* [(8)] *Four (4)* [Five (5)] members of the *seven (7)* [nine (9)] members of the board, including *one (1) member who is not a hearing aid specialist* [either the physician or the audiologist], when properly convened, may conduct the business of the board.

Section 16. KRS 334.150 is amended to read as follows:

The powers and duties of the board are as follows:

(1) To authorize all disbursements necessary to carry out provisions of this chapter.

(2) To prepare and administer qualifying examinations to test the knowledge and proficiency of applicants for licensing.

(3) To register persons who apply to the board and who are qualified to practice the fitting of hearing aids.

(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for licensing.

(5) To issue and renew licenses and certificates of endorsement.

(6) To suspend or revoke licenses and certificates of endorsement pursuant to this chapter.

(7) To appoint representatives to conduct or supervise the examination of applicants for licensing.

(8) To designate the time and place for examining applicants or certificates.

(9) To make and publish rules and regulations not inconsistent with the laws of this Commonwealth which are necessary to carry out the provisions of this chapter.

(10) To require the periodic inspection of audiometric testing equipment and to carry out the periodic inspection of facilities of persons who practice the fitting of hearing aids.

(11) *To employ necessary personnel. The board may employ, or discharge at its discretion, such secretaries, attorneys, inspectors, clerks, or any other employes as the board may deem necessary to carry out the provisions of this chapter.* [To appoint or employ subordinate employes.]

*(12) To initiate a formal educational program consistent with the intent of this chapter in that the consumer public shall be served by the hearing aid specialist trained in the latest technology in fitting and dispensing of hearing instruments.*

*(13) To administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have by resort to a court of competent jurisdiction the power to invoke the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.*

Section 17. KRS 334.160 is amended to read as follows:

(1) [Within thirty (30) days after its appointment by the Governor, the first board shall meet in the city of Frankfort. Thereafter,] *T*[t]he board shall meet at least once a year at times and places to be designated by the board and upon such notice as the board may prescribe. At its first meeting the board shall elect a chairman, vice-chairman, and secretary-treasurer, each to serve in his respective capacity for one (1) year, and thereafter said officers shall be elected annually.

(2) The board shall keep a record of all of its proceedings and transactions and shall annually make a report to the Governor showing all receipts and disbursements and a summary of all business transacted during the year.

(3) Fees, charges and other moneys collected by the board shall be paid into the state treasury and credited to a trust and agency fund to be used to pay expenses in administering this chapter. All moneys shall be received, disbursed and accounted for by the secretary-treasurer, who shall be bonded at the expense of the board. All moneys not expended by the board to pay expenses in administering this chapter shall be retained by the board from year to year to be expended for the purposes expressed in this chapter.

(4) Each member of the board shall be paid *per diem* [a reasonable sum, not to exceed twenty-five dollars ($25.00) per day,] for each day of actual service on the board and shall be reimbursed all reasonable and necessary travel expenses *to the extent authorized by board policy.*

Section 18. KRS 334.990 is amended to read as follows:

[(1)] Violation of any provision of this chapter is a misdemeanor punishable, upon conviction, by a fine of not more than $500 or by imprisonment in the county jail for not more than ninety (90) days, or both.

[(2) In addition to any other action authorized by law, the attorney general may enforce provisions of this chapter by civil action for injunctive relief in any courts of competent jurisdiction. In an action to obtain an injunction, it shall be sufficient to allege and prove that a violation of this chapter has occurred or is about to occur, and it shall not be necessary to allege or prove that any person has been misled or deceived by an unethical conduct or that any person has been damaged or sustained any loss as a result of any violation of this chapter.]

Section 19. KRS 42.066 is amended to read as follows:

(1) The function of the division is to provide administrative services to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: The State Board of Accountancy, Kentucky Athletic Commission, the State Board of Examiners and Registration of Architects, the Kentucky Board of Barbering, the Kentucky Board of Hairdressers and Cosmetologists, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Board of Nursing education and Nurse Registration, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the Board of Examiners of Psychologists, the State Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Kentucky Board of Examiners in Watchmaking, the State Board of Auctioneers, the State Board of Business Schools, the State Board of Examiners and Registration of Landscape Architects, the State Board of Medical Licensure, the State Board of Examiners of Speech Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home Administrators and the Kentucky Board *of* [for Licensing] Hearing Aid *Specialists* [Dealers].

(2) To the extent that the division does provide administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The division shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The division may employ persons previously employed by boards or commissions.

Section 20. KRS 334.170 and 334.190 are repealed.

**HB 484,** AN ACT relating to Veterinary Medicine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 321.200 is amended to read as follows:

(1) None of the provisions of this chapter shall be construed to prohibit any of the following:

(a) Any persons from gratuitously treating animals in cases of emergency if they do not represent themselves to be veterinarians or use any title or degree pertaining to veterinary practice.

(b) The owner of any animal or animals and the owner's full-time, regular employes from caring for and treating any animals belonging to such owner.

(c) Any person from castrating animals, from dehorning cattle, or trimming or cutting the ears or tail of dogs, from treating minor sprains, cuts or other minor injuries of animals when such person does not represent himself to be a veterinarian or use any title or degree pertaining to veterinary medicine, *and does not accept any compensation or make any charge therefor.*

(d) Any student enrolled in any veterinary school or college or any employe from working under the direct instructions, direct control or direct supervision of a veterinarian who is duly licensed under the laws of this commonwealth and whose compensation is paid solely by such licensed veterinarian.

(e) Nonlicensed veterinarians and others in the United States army or United States bureau of animal industry while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other states, meeting licensed veterinarians of this state in consultation, or any lawfully qualified veterinarian residing near the border of a neighbor state and authorized under the laws of that state to practice veterinary medicine in that state whose practice extends into the limits of this state; but such practitioner shall not open any office or appoint any place to meet clients or prospective clients within the limits of this state.

[(f) Any person from treating diseases of animals for compensation at any place which is twenty (20) miles or more distant from the office or place of business of the nearest practicing veterinarian who is licensed as such under the laws of this commonwealth.]

(2) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist or prevent him from selling drugs, medicines, appliances or any other product used in the prevention or treatment of swine diseases.

Section 2. KRS 321.260 is amended to read as follows:

(1) Any person not entitled to a license or to a certificate of license under the provisions of KRS 321.210 or 321.220, or any person who hereafter shall wish to practice veterinary medicine in this commonwealth, before entering upon the practice of veterinary medicine shall first pass a [n] *written and oral* examination as to his qualifications and fitness to engage in such practice. Said examinations shall be *given in the English language and be* conducted by the board. *An applicant for such examination shall be a graduate of a veterinary college approved by the board.* [An applicant for such examination shall be a graduate of a veterinary college having standards and requirements equal to the standards and requirements adopted by the American Veterinary Medical Association in 1941.] He shall be at least eighteen (18) years of age and shall be of good moral character.

(2) An application to the board for admission to a licensing examination shall be filed with the secretary-treasurer of the board on forms prepared and approved by the board, which forms will be furnished to the applicant by the secretary-treasurer without cost to the applicant. *Each applicant must submit with his application proof, satisfactory to the board, that he is a graduate of a veterinary college approved by the board, that he is at least eighteen years of age, and of good moral character. Each application shall be accompanied by the payment to the board of an application fee of twenty-five dollars plus any additional charge to the board for examination materials prepared by or furnished to the board.* [Each applicant must submit with his application proof, satisfactory to the board, that he is a graduate of a veterinary college meeting all of the standards for approval by the American Veterinary Medical Association, as aforesaid; that he is at least eighteen (18) years of age, and of good moral character. Each application shall be accompanied by the payment to the board of an examination fee of $25.00.]

(3) No person hereafter shall be examined by the board unless:

(a) *He shall have paid to the board, in advance, the application fee and charges for the examination materials, and* [He shall have paid to the board twenty-five dollars in advance, which in no case is returnable, and]

(b) He shall have presented to the board satisfactory proof of his qualifications to be admitted to the examination, as provided in this chapter.

(4) Each person who successfully passes an examination before the board shall receive a certificate of license to practice veterinary medicine, which license shall be signed by the chairman and secretary-treasurer of the board, and the seal of the board shall be affixed thereon. The certificate of license shall state that the person to whom it is issued has passed the prescribed examination and is competent to practice veterinary medicine, surgery and dentistry. A copy of such license shall be recorded by the secretary-treasurer of the board in a book kept for that purpose, which shall be open to public inspection.

Section 3. KRS 321.330 is amended to read as follows:

*(1) All veterinarians licensed under the provisions of this chapter shall annually, prior to June 30 of each year, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee not to exceed $25.00. Not later than June 1 of each year the secretary-treasurer shall notify by mail, all licensed veterinarians of the renewal date and fee. Application for renewal shall be upon such form as is prescribed by the board and the veterinarian shall furnish the information required by such form. As a prerequisite for license renewal, all veterinarians now or hereafter licensed in the Commonwealth of Kentucky, are and shall be required to take annual courses of study in subjects relating to the practice of veterinary medicine, veterinary surgery and veterinary dentistry to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievement of research will assure expansive and comprehensive care to the public. The length of study shall be prescribed by the board and shall not exceed eight (8) hours in any calendar year. Attendance must be at a course or courses approved by the board. Attendance at any course or courses of*

*study are to be certified to the board upon a form provided by the board and shall be submitted by each licensed veterinarian at the time he makes application to the board for the renewal of his license and payment of his renewal fee. The board is authorized to use a portion of the annual renewal fees for the purpose of contracting with institutions of higher learning, professional organizations, or qualified individuals, for the providing of educational programs that meet this requirement. The board is further authorized to treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the promulgation and maintenance of programs of continuing education. In no instance may the board require a greater number of hours of study than are available at approved courses held within this state. The board shall waive the continuing education requirement in cases of illness or undue hardship.*

*(2) Failure of any licensed veterinarian to secure his renewal certificate within sixty days after June 30, shall constitute sufficient cause for the board to revoke his license. The board may reinstate such license upon application of the holder if the application be received by the board within six months from the date that the delinquency occurred, and upon such terms as the board shall provide for reinstatement. When a license becomes delinquent on June 30 as provided in this section, the person holding such license shall not have or exercise any rights or privileges by reason thereof. Provided, however, the license of any veterinarian shall remain in full force and effect without renewal thereof and without the payment of any renewal fee during the time that the holder thereof is actively serving in any of the Armed Forces of the United States and for six months thereafter. Within six months after the termination of such service, the holder of the license may have it renewed by notifying the secretary-treasurer of the board of his termination from military service and upon payment of the annual renewal fee.* [Each person licensed under the provisions of this chapter shall, on or before June 30 of each year, apply to the board for the renewal of his license and the applicant shall pay to the board with each such application a fee, the amount of which shall be determined and fixed by the board, not to exceed ten dollars ($10.00). The board, upon receipt of such application and renewal fee, shall issue to the applicant a certificate of renewal of such license under the seal of the board, signed by the chairman and secretary-treasurer. Any veterinarian who fails to have his license renewed shall forfeit his right to practice veterinary medicine after sixty (60) days from the time notice of such failure has been mailed by the secretary-treasurer of the board to his last address as shown on the records of said board. The secretary-treasurer shall mail to each licensed veterinarian in this commonwealth a form of application on or before June 1 in each year. The failure of any veterinarian to obtain a renewal of his license on or before June 30 of each year shall operate, ipso facto, as a forfeiture of the license of such delinquent at the expiration of sixty (60) days after such delinquency until such licensee obtains a reinstatement of the license upon application to the board within six (6) months after such delinquency. The board may reinstate such license upon application of the holder if the application be received by the board within six (6) months from the date the delinquency occurred, upon payment to the board of a reinstatement and renewal fee of fifteen dollars ($15.00). When a license has become forfeited as provided in this section, and during the period of such forfeiture, the person holding such license shall not have or exercise any rights or privileges by reason thereof. Provided, however, the license of any veterinarian shall remain in full force and effect without any renewal thereof and without the payment of any renewal fee during the time that the holder thereof is actively serving in any of the armed forces of the United States and for six (6) months thereafter. Within six (6) months after the termination of such service the holder of the license may have it renewed as hereinabove in this section provided.]

Section 4. A new section of KRS Chapter 321 is created to read as follows:

(1) "Animal technician" shall mean a person:

(a) who has successfully completed a post-high school course in the care and treatment of animals, which course has been approved by the board, and passed the examination given by the board;

(b) or is on the effective date of this law employed by a licensed veterinarian who is presently engaging in the practice of veterinary medicine in this state, and the veterinarian makes application to the board to permit him to use the services of said employee as an animal technician, and provided further the person seeking to be certified as an animal technician passes the examination given by the board.

Section 5. A new section of KRS Chapter 321 is created to read as follows:

(1) Any veterinarian licensed pursuant to this chapter shall make application to the board to permit him to use the services of any animal technician. Such application shall be accompanied by an application fee in an amount to be determined by the board and shall set forth such information as the board may require. There will be an annual fee, not to exceed $15.00, for each animal technician registered by the board. Failure to pay the annual renewal fee shall result in a loss of registration by the animal technician. No veterinarian practicing in this state shall utilize the services of an animal technician without prior approval of the board. Whenever it appears to the board that an animal technician is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with the provisions of KRS 321.360.

(2) No veterinarian who uses the services of an animal technician in accordance with the terms of any permission granted by the board shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine within the meaning of KRS 321.430. Provided, however, that any such veterinarian shall retain professional and personal responsibility of any act which constitutes the practice of veterinary medicine, veterinary surgery and veterinary dentistry as defined in this chapter when performed by an animal technician in his employ.

(3) The services of an animal technician shall be limited to the performance of services under the direction and supervision of a licensed veterinarian. He shall receive no fee or compensation of any kind for his services other than such salary or compensation as may be paid to him by the veterinarian, hospital or clinic by which he is employed. He shall not participate in the operation of a branch office, clinic or allied establishment unless a licensed veterinarian is present. An animal technician, as an assistant to and under the supervision of a licensed veterinarian, may assist the veterinarian in the following:

(a) Obtaining and recording information about cases;
(b) Preparation of patients, instruments, equipment and medicants for surgery;
(c) Collection of specimens and performance of laboratory procedures;
(d) Application of wound dressings;
(e) Assisting the veterinarian in diagnostic, medical and surgical procedures.

**HB 559,** AN ACT relating to occupations and professions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 42.066 is amended to read as follows:

(1) The function of the division is to provide administrative services*, technical assistance and advice* to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: The State Board of Accountancy, Kentucky Athletic Commission, the State Board of Examiners and Registration of Architects, the Kentucky Board of Barbering, the Kentucky Board of Hairdressers and Cosmetologists, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Board of Nursing Education and Nurse Registration, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the Board of Examiners of Psychologists, the State Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Kentucky Board of Examiners in Watchmaking, the State Board of Auctioneers, the State Board of Business Schools, the State Board of Examiners and Registration of Landscape Architects, the State Board of Medical Licensure, the State Board of Examiners of Speech Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home Administrators, [and] the Kentucky Board for Licensing Hearing Aid Dealers, *the State Board of Examiners of Social Work of Kentucky, and such other boards and commissions as are created to license, certify, register or otherwise regulate, any occupational or professional category.*

(2) To the extent that the division does provide administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The division shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The division may employ persons previously employed by boards or commissions.

The Committee Amendment to **HB 559** is as follows:

Amend printed copy of House Bill 559, on page 2, following line 22, by inserting the following:

"*(3) The Division may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the Division for administrative purposes. The Division shall cause such complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a determination of the validity of the complaint. The Division shall keep a record of all complaints received by it and forwarded to a board or commission.*"

**HB 644,** AN ACT relating to trade practices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 365.080 and KRS 365.090 are hereby repealed.

**SB 75,** AN ACT relating to employment agencies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 340.010 is amended to read as follows:

As used in KRS 340.020 to 340.070, unless the context requires otherwise:

(1) "Department" means the department *for human resources* [of labor];

(2) "Employment" means any service rendered, or to be rendered, or any engagement undertaken for remuneration;

(3) "Employment agency" means any person or organization that offers or agrees to furnish or assist in furnishing employment, engagements for help, information, or service concerning or purporting to effect employment, except that it does not include bona fide educational, religious, charitable, fraternal or benevolent organizations in which no charge is made for service rendered other than the ordinary membership dues and assessments for their members, bona fide labor organizations undertaking to secure employment for their members, bona fide employers' organizations undertaking to secure labor for their own members without cost to the applicant employes, teachers' agencies finding positions for schoolteachers only, nurses' registries or agencies operated in conjunction with a bona fide educational institution, *temporary help agencies*; [and]

(4) "Hire" means any compensation, service or benefit exacted, or accepted, or any gratuity received in connection with any act of any employment agency or in connection with, any transaction concerning any employment agency; *and* [.]

*(5) "Secretary" means the Secretary of the Department for Human Resources.*

Section 2. KRS 340.030 is amended to read as follows:

(1) An employment agency permit shall be granted only upon written application made upon forms furnished by the department. The application shall be accompanied by a permit fee of *two hundred fifty dollars ($250)* [twenty-five dollars ($25.00)] payable to the department. *Upon renewal, the annual license shall be one hundred and twenty-five dollars ($125).* [This permit fee shall, upon issuance of the permit, become an annual license fee.]

(2) The department may refuse to issue a permit to an applicant, or may cancel an existing permit, if, in the judgment of the *secretary* [commissioner of labor], the applicant or holder, or its officials or members are not of good moral character or have violated any of the laws of this *or any other* state *or of the United States* that the *secretary* [commissioner] believes would render them improper persons for a permit.

(3) If the department refuses to grant a permit, it shall return the permit fee to the applicant, *and shall* [but need not] state the various reasons for refusal.

Section 3. KRS 340.040 is amended to read as follows:

*(1)* No employment agency shall change the location of its office or place of business to any place not specified in the permit without first obtaining the written consent of the department. No permit shall be effective for any place of business other than that designated in the permit.

*(2)* Every employment agency shall keep an accurate record of the business transactions of its office on forms approved by the department. On or before the fifth day of each month, every employment agency shall mail to the department a report showing the total number of applicants registering for positions, [registration fees collected, registration fees refunded,] and the total number of placements of employes with employers during the preceding calendar month. *This report shall also include any change in owners, stockholders, or officers of original application.*

*(3)* Every employment agency shall post its permit and a copy of KRS 340.010 to 340.070 and 340.990 in a conspicuous place in the reception room so that persons doing business with the agency and representatives of the department may determine the legality of its operation.

Section 4. A new section of KRS Chapter 340 is created to read as follows:

(1) No permit to act as an employment agency shall be issued unless the applicant therefor shall furnish to the Department a bond in the penal sum of five thousand dollars. Such bond may be secured by a cash

deposit or by a qualified surety company authorized to do business in this state. Such bond shall be conditioned that the applicant or licensee shall comply with every provision of this Act, and every rule, regulation, or order issued thereunder, and shall pay any loss or damage occasioned to any person by reason of such failure to comply. The bond shall be further conditioned that the suspension, revocation, surrender, or expiration of a permit to operate an employment agency shall not affect the coverage of such bond as to a claim arising out of such acts which occurred prior to the date of such suspension, revocation, surrender, or expiration. If at any time the surety becomes financially irresponsible in the judgment of the Secretary or insolvent the licensee shall, upon notice from the Secretary, file a new bond, subject to the provisions of this section. The failure to file a new bond, within ten days after such notice, in the discretion of the Secretary shall operate as a revocation of such permit and the permit shall be thereupon returned to the Secretary.

(2) Any person suffering loss or damage by reason of failure of an employment agency to comply with any provision of this act or any rule, or order issued thereunder, shall be entitled to an action on such bond for the recovery of the amount of such loss or damage. Action on such bond may be maintained in the name of the State of Kentucky and in any court of competent jurisdiction by any one or more persons suffering such loss or damage for and on behalf of himself or themselves or by an agent designated by such person or persons, or by the Secretary for the use of such persons.

Section 5. KRS 340.050 is amended to read as follows:

(1) No employment agency shall knowingly send or direct an applicant for employment to any fictitious job or position, or knowingly make any false representation concerning any matter within the scope of the business of the employment agency. The nonexistence of such job or position or the falsity of any such representation shall be prima facie evidence of the violation of this section.

(2) No employment agency shall knowingly send an applicant for employment to any place where a strike or any labor trouble exists or is pending without first notifying the applicant of that condition in writing. Sending an applicant uninformed to such a locality shall constitute prima facie evidence of the violation of this section.

(3) No employment agency shall circulate any false or misleading information or make any false statement or misrepresentation to any person seeking employment or to any employer seeking an employe.

(4) No employment agency shall agree with any employer or his agent or employe to secure the discharge of an employe; nor shall an employer or anyone in his employ or representing it, give or receive any gratuity, divide, or offer to divide, or share directly or indirectly, any compensation received from an applicant for employment.

(5) No employment agency shall make any false entry or statement in any report to the department or in any record, receipt or other document used in the business.

(6) A sample copy of the contract forms used between the employment agency and applicant-employes shall be filed with the department. *This must include the guarantee as set forth in Section 6, Subsection 2 of this Act.* Each time a change is made in any such form or a new form drawn, the changed or new form shall be filed with the department before any copies are issued to applicant-employes.

(7) Every employment agency's office or place of business shall be maintained and conducted in an orderly, clean and sanitary manner.

Section 6. A new section of KRS Chapter 340 is created to read as follows:

(1) An employment agency shall not charge or accept a fee from an applicant except after such agency has been responsible for referring such job applicant to an employer and where as a result such job applicant has been employed by such employer and the job applicant and employer have mutually agreed upon both the salary or wages to be paid the job applicant and the date the employment is to commence.

(2) If a job applicant accepts employment and thereafter such employment is terminated without fault of the employe within a minimum of thirty calendar days of the starting date of employment, the gross fee charged to such employe shall not exceed twenty percent of the gross earnings of such employe for the period employed. An excess collected above the fee shall be returned immediately after the employment agency has been notified that such employment has been terminated and the employment agency has had a reasonable opportunity to ascertain the reasons therefor.

(3) No employment agency shall accept an advance or deposit from an applicant prior to the applicant's acceptance of a position of employment.

(4) An employment agency shall not charge a fee for the registering of a job applicant for employment nor for referring a job applicant to a position of employment with the same employment agency with which the job applicant has filed an application seeking the services of the employment agency.

(5) An employment agency shall not induce a job applicant to terminate his employment in order to be available to be interviewed by prospective employers.

(6) No employment agency shall require applicants to subscribe to any publication or incidental service or contribute to the cost of advertising.

(7) No employment agency shall make or cause to be made or use any name, sign, or advertising device bearing a name which may be similar to, or reasonably confused with the name of a governmental agency.

(8) An employment agency may not require a job applicant to borrow money from a specific finance company in order to pay the employment agency's fee; but this shall not prevent an employment agency from advising a job applicant of the names of financial institutions from which funds may be available for this purpose.

(9) No employment agency shall place an advertisement for any position of employment without such position actually being in existence at the time of placing the advertisement, or without giving the name of the agency with the advertisement.

(10) An employment agency shall not knowingly send or cause to be sent any person to any employer where the employment agency knows, or reasonably should have known, that the prospective employment is or would be in violation of state or federal laws.

(11) When an employment agency knows that a prospective employment is for a specified limited period of time it shall notify any job applicant thereof referred to prospective employment at the time of referral.

Section 7. KRS 340.070 is amended to read as follows:

(1) The department shall have exclusive jurisdiction over the administration and enforcement of KRS 340.010 to 340.070.

(2) The department shall inspect the offices and places of business of employment agencies and shall have access to all files and records of employment agencies.

*(3) The Secretary for Human Resources may promulgate by way of administrative regulation all rules and regulations necessary to effectuate the purposes of this Act.*

Section 8. A new section of KRS Chapter 340 is created to read as follows:

(1) There is hereby created a Kentucky employment advisory council to be composed of seven members appointed by the Secretary, and the Secretary or his designee as an ex officio member of the council. Of the appointive members, three shall have at least two years at the time of appointment occupied executive or managerial positions in the private employment agency industry in this state and four shall have occupied positions with employment responsibility in commerce or industry in this state for at least three years at the time of appointment.

(2) Each member of the council shall hold office until the appointment and qualification of his successor. The terms of the initial members of the council shall expire as follows: two members, January 1, 1977, two members, January 1, 1978, three members, January 1, 1979. Subsequent appointment shall be made for a term of three years. Vacancies occurring in the membership of the council for any cause shall be filled by appointment of the Secretary for the balance of the unexpired term. The Secretary may remove any member of the council for misconduct, incompetency, neglect of duty, or other reasonable cause.

(3) The council shall meet at least twice each year. All meetings of the council shall be open and public and all records of the council shall be open to inspection except as otherwise prescribed by law. Four members shall constitute a quorum for the transaction of business. The council shall elect from its members, each for a term of one year, a chairman, vice chairman, and secretary of the council, and may appoint such committees as it deems necessary to carry out its duties.

(4) Each member of the council shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses in attending meetings of the council.

(5) The council shall:

(a) Consider all matters relating to employment agencies in the state, including, but not limited to, applicants for licenses and complaints against agencies.

(b) *Advise* [Confer with] the Secretary in regard to how employment agencies may best serve the state, the public, and the employment agency industry.

(c) Collect information and data as the Secretary may deem necessary for the proper administration of this article.

(d) Submit findings and make recommendations as the council may deem necessary to the Secretary.

Section 9. KRS 340.990 is amended to read as follows:

Any person who violates any of the provisions of KRS 340.010 to 340.070 or who interferes with the performance of the official duties of any representative of the department shall be fined for the first offense not less than *twenty-five dollars ($25.00) nor more than five hundred dollars ($500)* [one dollar ($1.00) nor more than one hundred dollars ($100)], and for any subsequent offense, not less than *one hundred dollars ($100) nor more than one thousand dollars ($1,000)* [twenty-five dollars ($25.00) nor more than one hundred dollars ($100)] or imprisoned for not more than thirty (30) days, or both.

Section 10. KRS 340.060 is hereby repealed.

Amend printed copy of Senate Bill 75, on page 4, line 15, by deleting the word "Act" and inserting in lieu thereof the word "Chapter";

and on line 25, by inserting a comma after the word "Secretary" and before the word "or" and by inserting a comma after the word "insolvent" and before the word "the";

and on page 5, line 8, by deleting the word "Act" and inserting in lieu thereof the word "Chapter";

and on page 9, line 25, by deleting the word "Act" and inserting in lieu thereof the word "Chapter";

and on page 10, line 3, insert after the word "council" and before the word "to" the words "appointed by the Secretary";

and on line 4, by deleting the words "appointed by the Secretary";

and on line 6, by inserting a comma and the word "for" after the word "have" and before the word "at";

and on line 7, by inserting a comma after the word "appointment" and before the word "occupied";

and on page 11, line 21, by deleting the word "article" and inserting in lieu thereof the word "Chapter"

**SB 145,** AN ACT relating to Veterinary Medicine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 321.260 is amended to read as follows:

(1) Any person not entitled to a license or to a certificate of license under the provisions of KRS 321.210 or 321.220, or any person who hereafter shall wish to practice veterinary medicine in this commonwealth, before entering upon the practice of veterinary medicine shall first pass a [n] *written and oral* examination as to his qualifications and fitness to engage in such practice. Said examinations shall be *given in the English language and be* conducted by the board. *An applicant for such examination shall be a graduate of a veterinary college approved by the board.* [An applicant for such examination shall be a graduate of a veterinary college having standards and requirements equal to the standards and requirements adopted by the American Veterinary Medical Association in 1941.] He shall be at least eighteen (18) years of age and shall be of good moral character.

(2) An application to the board for admission to a licensing examination shall be filed with the secretary-treasurer of the board on forms prepared and approved by the board, which forms will be furnished to the applicant by the secretary-treasurer without cost to the applicant. *Each applicant must submit with his application proof, satisfactory to the board, that he is a graduate of a veterinary college approved by the board, that he is at least eighteen years of age, and of good moral character. Each application shall be accompanied by the payment to the board of an application fee of twenty-five dollars plus any additional charge to the board for examination materials prepared by or furnished to the board.* [Each applicant must submit with his application proof, satisfactory to the board, that he is a graduate of a veterinary college meeting all of the standards for approval by the American Veterinary Medical Association, as aforesaid; that he is at least eighteen (18) years of age, and of good moral character. Each application shall be accompanied by the payment to the board of an examination fee of $25.00.]

(3) No person hereafter shall be examined by the board unless:

(a) *He shall have paid to the board, in advance, the application fee and charges for the examination materials, and* [He shall have paid to the board twenty-five dollars in advance, which in no case is returnable, and]

(b) He shall have presented to the board satisfactory proof of his qualifications to be admitted to the examination, as provided in this chapter.

(4) Each person who successfully passes an examination before the board shall receive a certificate of license to practice veterinary medicine, which license shall be signed by the chairman and secretary-treasurer of the board, and the seal of the board shall be affixed thereon. The certificate of license shall state that the person to whom it is issued has passed the prescribed examination and is competent to practice veterinary

medicine, surgery and dentistry. A copy of such license shall be recorded by the secretary-treasurer of the board in a book kept for that purpose, which shall be open to public inspection.

Section 2. KRS 321.330 is amended to read as follows:

*(1) All veterinarians licensed under the provisions of this chapter shall annually, prior to June 30 of each year, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee not to exceed $25.00. Not later than June 1 of each year the secretary-treasurer shall notify by mail, all licensed veterinarians of the renewal date and fee. Application for renewal shall be upon such form as is prescribed by the board and the veterinarian shall furnish the information required by such form. As a prerequisite for license renewal, all veterinarians now or hereafter licensed in the Commonwealth of Kentucky, are and shall be required to take annual courses of study in subjects relating to the practice of veterinary medicine, veterinary surgery and veterinary dentistry to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievement of research will assure expansive and comprehensive care to the public. The length of study shall be prescribed by the board and shall not exceed eight (8) hours in any calendar year. Attendance must be at a course or courses approved by the board. Attendance at any course or courses of study are to be certified to the board upon a form provided by the board and shall be submitted by each licensed veterinarian at the time he makes application to the board for the renewal of his license and payment of his renewal fee. The board is authorized to use a portion of the annual renewal fees for the purpose of contracting with institutions of higher learning, professional organizations, or qualified individuals, for the providing of educational programs that meet this requirement. The board is further authorized to treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the promulgation and maintenance of programs of continuing education. In no instance may the board require a greater number of hours of study than are available at approved courses held within this state. The board shall waive the continuing education requirement in cases of illness or undue hardship.*

*(2) Failure of any licensed veterinarian to secure his renewal certificate within sixty days after June 30, shall constitute sufficient cause for the board to revoke his license. The board may reinstate such license upon application of the holder if the application be received by the board within six months from the date that the delinquency occurred, and upon such terms as the board shall provide for reinstatement. When a license becomes delinquent on June 30 as provided in this section, the person holding such license shall not have or exercise any rights or privileges by reason thereof. Provided, however, the license of any veterinarian shall remain in full force and effect without renewal thereof and without the payment of any renewal fee during the time that the holder thereof is actively serving in any of the Armed Forces of the United States and for six months thereafter. Within six months after the termination of such service, the holder of the license may have it renewed by notifying the secretary-treasurer of the board of his termination from military service and upon payment of the annual renewal fee.* [Each person licensed under the provisions of this chapter shall, on or before June 30 of each year, apply to the board for the renewal of his license and the applicant shall pay to the board with each such application a fee, the amount of which shall be determined and fixed by the board, not to exceed ten dollars ($10.00). The board, upon receipt of such application and renewal fee, shall issue to the applicant a certificate of renewal of such license under the seal of the board, signed by the chairman and secretary—treasurer. Any veterinarian who fails to have his license renewed shall forfeit his right to practice veterinary medicine after sixty (60) days from the time notice of such failure has been mailed by the secretary-treasurer of the board to his last address as shown on the records of said board. The secretary-treasurer shall mail to each licensed veterinarian in this commonwealth a form of application on or before June 1 in each year. The failure of any veterinarian to obtain a renewal of his license on or before June 30 of each year shall operate, ipso facto, as a forfeiture of the license of such delinquent at the expiration of sixty (60) days after such delinquency until such licensee obtains a reinstatement of the license upon application to the board within six (6) months after such delinquency. The board may reinstate such license upon application of the holder if the application be received by the board within six (6) months from the date the delinquency occurred, upon payment to the board of a reinstatement and renewal fee of fifteen dollars ($15.00). When a license has become forfeited as provided in this section, and during the period of such forfeiture, the person holding such license shall not have or exercise any rights or privileges by reason thereof. Provided, however, the license of any veterinarian shall remain in full force and effect without any renewal thereof and without the payment of any renewal fee during the time that the holder thereof is actively serving in any of the armed forces of the United States and for six (6) months thereafter. Within six (6) months after the termination of such service the holder of the license may have it renewed as hereinabove in this section provided.]

Section 3. A new section of KRS Chapter 321 is created to read as follows:

(1) "Animal technician" shall mean a person:

(a) who has successfully completed a post-high school course in the care and treatment of animals, which course has been approved by the board, and passed the examination given by the board;

(b) or is on the effective date of this law employed by a licensed veterinarian who is presently engaging in the practice of veterinary medicine in this state, and the veterinarian makes application to the board to permit him to use the services of said employee as an animal technician, and provided further the person seeking to be certified as an animal technician passes the examination given by the board.

Section 4. A new section of KRS Chapter 321 is created to read as follows:

(1) Any veterinarian licensed pursuant to this chapter shall make application to the board to permit him to use the services of any animal technician. Such application shall be accompanied by an application fee in an amount to be determined by the board and shall set forth such information as the board may require. There will be an annual fee, not to exceed $15.00, for each animal technician registered by the board. Failure to pay the annual renewal fee shall result in a loss of registration by the animal technician. No veterinarian practicing in this state shall utilize the services of an animal technician without prior approval of the board. Whenever it appears to the board that an animal technician is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with the provisions of KRS 321.360.

(2) No veterinarian who uses the services of an animal technician in accordance with the terms of any permission granted by the board shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine within the meaning of KRS 321.430. Provided, however, that any such veterinarian shall retain professional and personal responsibility of any act which constitutes the practice of veterinary medicine, veterinary surgery and veterinary dentistry as defined in this chapter when performed by an animal technician in his employ.

(3) The services of an animal technician shall be limited to the performance of services under the direction and supervision of a licensed veterinarian. He shall receive no fee or compensation of any kind for his services other than such salary or compensation as may be paid to him by the veterinarian, hospital or clinic by which he is employed. He shall not participate in the operation of a branch office, clinic or allied establishment unless a licensed veterinarian is present. An animal technician, as an assistant to and under the supervision of a licensed veterinarian, may assist the veterinarian in the following:

(a) Obtaining and recording information about cases;
(b) Preparation of patients, instruments, equipment and medicants for surgery;
(c) Collection of specimens and performance of laboratory procedures;
(d) Application of wound dressings;
(e) Assisting the veterinarian in diagnostic, medical and surgical procedures.

**SB 151,** AN ACT relating to the licensing of barbers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 317.410 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) A "barber" is any person who engages in the practice of "barbering" for the public generally or for consideration;

(2) "Barbering" is the practice upon the human neck and head, principally of shaving or trimming the beard or cutting the hair but includes also:

(a) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(b) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics; and

(c) Applying to the neck or head cosmetics, notions, powders, oils, clays or other preparations;

(3) "Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration;

(4) "Board" means the Kentucky board of barbering;

(5) "Barber school" or "school of barbering" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of barbering.

*(6) "Lapse fees" means the annual renewal license fee which would have been paid for the period during which a license has lapsed.*

Section 2. KRS 317.450 is amended to read as follows:

(1) The barber board shall issue a license to practice barbering to any person who:

(a) Is at least eighteen (18) years of age;
(b) Is of good moral character and temperate habit;
(c) Has acted as a licensed apprentice for at least eighteen (18) months under the immediate supervision of a licensed barber;
(d) Has satisfactorily passed the examination prescribed by the barber board;
(e) Has paid a fee of $20.00.

(2) The barber board shall issue a license to act as apprentice to a barber to any person who:
(a) Is at least sixteen and one-half (16 1/2) years of age;
(b) Is of good moral character and temperate habit;
(c) Has at least four (4) years of high school education;
(d) Has graduated from an accredited or licensed school of barbering;
(e) Has satisfactorily passed the examination prescribed by the barber board; and
(f) Has paid a fee of $20.00.

(3) The barber board shall issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application of such barber accompanied by a fee of *twenty dollars ($20.00)* [$10.00] provided that the barber board shall refuse to issue such a license upon a failure to comply with the provisions of this chapter or the rules and regulations of the board adopted pursuant thereto.

(4) The barber board shall issue a license to operate a school of barbering to any person, firm or corporation who or which:
(a) Applies therefor upon forms furnished by the board;
(b) Has the equipment and facilities which may be required by rules and regulations of the board adopted pursuant to this chapter;
(c) Furnished any evidence deemed necessary by the board in the exercise of a sound discretion that it is the purpose of the applicant to establish a bona fide school for the education and training of competent barbers and can and will employ a sufficient number of licensed teachers of barbering to conduct such school;
(d) Pays a fee of $100.

(5) The barber board shall issue a license to teach barbering to any person who:
(a) Is of good moral character and temperate habit;
(b) Has a high school education and at least two (2) years of college;
(c) Has been a licensed and practicing barber for at least thirty-six (36) months;
(d) Has satisfactorily passed the examination prescribed by the board; and
(e) Has paid a fee of $25.00.

(6) Applications for examination required in this section shall be accompanied by an examining fee as follows:
(a) Barber—$20.00;
(b) Apprentice to a barber—$20.00;
(c) Teaching barbering—$25.00.

(7) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within thirty-one (31) days after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this chapter and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant for renewal is in compliance with the provisions of this chapter and the rules and regulations of the board adopted pursuant thereto.

(8) The annual renewal license fee for each type of license renewal shall be as follows:
(a) Barber—*$20.00* [$12.00];
(b) Apprentice to barber—*$20.00* [$12.00];
(c) Teacher of barbering—*$20.00* [$15.00];
(d) Barber shop—*$20.00* [$10.00];
(e) Barber school—$75.00.

(9) Except as provided in subsection (7) of this section, the fee for the renewal of an expired license, where the period of expiration does not exceed five (5) years, shall be as follows:
(a) Barber—*$15.00 plus lapse fees* [$50.00];
(b) Apprentice—*$15.00 plus lapse fees* [$50.00];
(c) Barber shop—*$20.00* [$10.00];
(d) Barber school—$75.00;
(e) Teacher of barbering—*$15.00 plus lapse fees* [$25.00].

The Committee on Elections and Constitutional Amendments reported **HB 201, HB 234, HB 402, HB 417, HB 636, HB 648,** and **SCR 23** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 201,** AN ACT relating to the taking of the sense of the people of the state as to the necessity and expediency of calling a Constitutional Convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky, and such amendments as may have been made to the same, as provided by Section 258 of the present Constitution of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That, whereas, at the Regular Session of the General Assembly of Kentucky held in the year 1974, House Bill 138 was enacted by the General Assembly of the Commonwealth of Kentucky, which is in words and figures as follows, to wit:

**"HOUSE BILL NO& 138**

"AN ACT providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same as provided by Section 258 of the present Constitution of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

"Section 1. That the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by Section 258 of the present Constitution of Kentucky.

"Section 2. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective Journals, this Act shall be spread upon the respective Journals of each house as a law.

"Section 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

"Section 4. That before any constitution agreed upon by said convention shall take effect or become operative, the same shall be submitted to the qualified voters of this commonwealth, after at least ninety days' notice, and ratified by a majority of those voting."

and,

Whereas, the said law above copied was spread at large upon the respective journals of the General Assembly for said session,

Now, therefore, be it further enacted by the General Assembly of the Commonwealth of Kentucky, that:

Section 1. This, the Regular Session of the General Assembly, held in the year 1976, does hereby concur in House Bill 138 enacted at the Regular Session of the General Assembly of the Commonwealth of Kentucky held in the year 1974.

Section 2. That the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided in Section 258 of the Constitution of Kentucky.

Section 3. A poll shall be opened in each voting precinct in this state by the officers provided by law for holding general elections at the regular election to be held November 8, 1977, at which time and places the votes of the qualified voters shall be taken for and against calling the convention in the same manner provided by law for taking votes in other state elections.

Section 4. The Secretary of State, not less than fifty days before the regular election to be held November 8, 1977, shall certify the question of calling a convention to the county clerk of each county and the county clerk shall have the question as so certified placed on the ballot as provided in the general election laws. The question submitted to the voters shall be as follows:

"Are you in favor of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky and such amendments as may have been made to same?"

Section 5. Before a vote is taken upon the question of calling a convention the Secretary of State shall cause notice of the election and the purpose therefore to be published at least four times in two newspapers of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the question set out in Section 4 of this Act will be submitted to the voters for their acceptance or rejection at the regular election to be held November 8, 1977. The publication shall be made so that the last publication will be at least ninety days preceding the election at which said question is to be voted on.

Section 6. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in state elections. If it shall appear that a majority voting on the proposition was in favor of calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted in the last preceding general election in this state, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to revise or amend the present Constitution of this state, and such amendments as have been made thereto.

Section 7. Before any Constitution agreed upon by a convention that may be called pursuant to this Act and to Section 258 of the present Constitution shall take effect and become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

Section 8. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is, when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective journals, this Act shall be spread upon the respective journals of each house as a law.

**HB 234,** AN ACT relating to campaign financing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 121.220 is amended to read as follows:

(1) Each *declared* candidate *for state-wide constitutional office* [and each committee formed to advocate or oppose a constitutional amendment or public question] shall, before receiving any contributions or expending any money, designate one (1) primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or committee. The candidate or committee may also designate one (1) secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may make deposits in and make expenditures from secondary depositories. Only a bank authorized to transact business in Kentucky may be designated as a campaign depository. The candidate or committee shall file the name and address of each primary and secondary depository so designated at the same time the candidate or committee files the name of his or its campaign treasurer.

(2) All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate [or committee] shall be deposited prior to the end of the fifth business day following their receipt in a campaign depository in an account designated "Campaign Fund of (name of candidate [or committee])". A statement showing the full name, address and occupation of each contributor *who contributes a sum in excess of $100* shall be deposited together with a statement of the amount received. Cash contributions shall be

accompanied by the same receipt form. Such statement shall be in triplicate upon a form prescribed by the registry, one (1) copy to be retained by the campaign depository, one (1) copy to be filed by the campaign treasurer in the campaign report to the registry, and one (1) copy to be retained by the campaign treasurer. Statement shall be certified as correct by the campaign treasurer.

**HB 402,** AN ACT relating to corrupt practices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 121.180 is amended to read as follows:

(1) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received from any source since the date of the last report, including the name, address, and occupation of each person or group contributing in excess of one hundred dollars ($100), the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of fifty dollars ($50.00) and the amount, date and purpose of each expenditure. This report shall be made to the registry within thirty (30) days after the regular primary and general elections. If an individual gives a reportable contribution to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate, the name of the contributor and the sum shall be indicated on the committee report.

(2) Each campaign treasurer of a candidate, campaign committee shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received by him from any source, since the date of the last report, including the name, address, and occupation of each person or group contributing in excess of one hundred dollars ($100), the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of fifty dollars ($50.00), and the amount, date and purpose of each expenditure.

(a) Reports of all candidates and their campaign committee shall be made:

1. On the thirty-second day preceding an election, including all previous contributions and expenditures.
2. On the twelth day preceding the date of the election.
3. Within thirty (30) days after the election.
4. Candidates shall have five (5) days from each filing deadline in which to get their reports into the hands of the registry.

(3) In making the preceding reports, proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, buttons, hats, ties, literature and similar materials, the total gross receipts from each category shall be listed. When any individual purchase or the aggregate purchases of any item enumerated above exceeds one hundred dollars ($100), the purchaser shall be identified by name, address and occupation and the amount purchased shall be reported to the registry. When the net proceeds of a fund raising event exceed the sum of $1,500, such sales shall be reported to the registry by name, address and occupation of the purchaser and the amount purchased. Such lists shall be maintained by the campaign treasurer or other sponsor for inspection by the registry for four (4) years following the date of the election.

(4) If the final statement shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement, and every sixty (60) days after the deadline for filing the first supplemental statement, an additional supplemental statement of contributions and expenditures. Subsequent supplemental statements shall be filed quarterly thereafter until the account shows an unexpended balance, continuing debts and obligations, expenditures, or deficit. A candidate does not have to file supplemental reports if the debt is the candidate's personal note.

(5) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry. A duplicate copy of each report filed with the registry shall be filed by the candidate or committee with the county court clerk in the county in which the candidate resides at the same time. County court clerks shall maintain these reports for public inspection for a period of one (1) year from the date the last report is required to be filed.

(6) If a candidate is unopposed in a primary or general election after the time prescribed by law for qualifying for nomination or election to the office, *and has received no contributions nor made any expenditures, then his obligation to file the reports required by KRS 121.015 and 121.100 to 121.200 shall cease* [he is still obligated to file the reports required by KRS 121.015 and 121.100 to 121.200]. A candidate who is

opposed but receives no contribution or makes no expenditures shall so report on the dates designated in this section, and file all reports required by KRS 121.015 and 121.100 to 121.200.

[(7) Copies of those reports required to be filed by or on behalf of a candidate for the Congress of the United States pursuant to Title III of the Federal Election Campaign Act of 1971 shall be filed with the Registry on the dates prescribed in said Act in lieu of the reporting requirements of this section, subject to the penalties set forth in KRS 121.991.]

**HB 417,** AN ACT relating to elections.

WHEREAS, conscientious citizens are encouraged to vote but may not be in agreement with the views and positions of any candidate; and

WHEREAS, there is no means on record by which voters who are dissatisfied can register such dissatisfaction; and

WHEREAS, many citizens are disenchanted with the electoral process as it does not accurately reflect the views of the constituency; and

WHEREAS, there is no means to record voter apathy with a particular set of candidates;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 118 is created to read as follows:

(1) For each office to be filled at the primary and general election the voting machine or special ballot shall provide an option for selecting "none of the candidates."

(2) When constitutional amendments or local option issues are to be voted upon the voting machine or special ballot shall provide an option for selecting "not voting on this question."

(3) The outcome of the election shall not be changed by no vote option selection. In the event that the no vote option selection receives more votes than the candidates or questions, the candidates or questions receiving the most votes will be declared the winner.

Section 2. A new section of KRS Chapter 118 is created to read as follows:

(1) The attorney general shall prepare an explanation of the no vote option selection to inform the electorate of the purpose of the no vote option, and shall certify the explanation to the secretary of state.

(2) The secretary of state shall cause the explanation of the no vote option selection to be published pursuant to KRS Chapter 424 at the time of the publication of names of candidates. A copy of the explanation shall be posted at each polling place.

**HB 636,** AN ACT relating to master commissioners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 27.010 is amended to read as follows:

(1) *In each county a master commissioner shall be elected at the next general election pursuant to KRS Chapter 118 and shall hold office for four years and until the election and qualification of his successor.* [Each circuit court shall appoint a master commissioner and may remove him and appoint another, but no master commissioner shall continue in office more than four (4) years without a reappointment.]

(2) The master commissioner shall execute a bond, with surety approved by the court. The bond shall be recorded in court.

(3) He shall execute a special bond when required by the court and no action shall be maintained on his general bond for matters covered by a special bond.

*(4) Master commissioners in counties containing a population of less than seventy-five thousand (75,000) shall be compensated pursuant to KRS 64.530.*

Section 2. KRS 27.025 and KRS 27.040 are repealed.

**HB 648,** AN ACT relating to election precincts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 117.055 is amended to read as follows:

(1) Each county shall be divided into election precincts. *The political territory having the least area within the county's boundaries, with the exception of the total area of a city or town contained within such boundaries, shall be designated an election precinct. Each election precinct shall be composed of contiguous and, as nearly as practicable, compact areas having clearly definable boundaries and wholly contained within any larger district.* The county board of elections shall review *election* precinct boundaries as often as necessary. *Without exception they shall review the boundaries of all election precincts exceeding seven hundred (700) registered voters prior to each primary election. Consideration to the division of said election precincts should be based on the anticipated growth factor within the specified boundaries; however, the county board of elections shall not be prohibited from dividing election precincts in excess of seven hundred (700) registered voters or less than seven hundred (700) registered voters if they elect to do so. No election precinct shall be created, divided, abolished or consolidated or the boundaries therein changed* [, but changes shall be made no] later than fifty-five (55) days prior to any primary or general election to comply with the provisions of this section. *The county board of elections shall designate* [, and shall establish] the name or number and the boundaries of the *election* precincts [, except that no precinct shall contain portions of more than one (1) legislative district within its boundaries]. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the county [, not to exceed seven hundred (700) voters to a precinct]. A map and listing of the exact *election* precinct boundaries shall be filed by the county board of elections with the state board of elections, and any changes in boundaries *thereafter* [ hereafter] made shall also be filed with the state board of elections. A copy of this map indicating all precinct boundaries within the county shall be included in the election supplies of each precinct.

(2) If the county board of elections fails to perform the duty herein required, then the state board of elections or any citizen and voter of the county may apply to the circuit court of the county for a summary mandatory order requiring the board to perform this duty. Appeals may be taken to the Court of Appeals by either party.

**SR 23,** A CONCURRENT RESOLUTION requesting Congress to adopt a resolution proposing an amendment to the Constitution of the United States to require, with certain exceptions, that the total of all federal appropriations shall not exceed the total of all estimated federal revenues in any fiscal year.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, and constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, Article V of the Constitution of the United States provides that amendments to the constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, and we believe such action is vital;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That Congress is requested to adopt a resolution proposing an amendment to the Constitution of the United States to require that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Section 2. That the Clerk of the Senate is directed to send copies of this resolution to the presiding officers of both houses of the legislature of each of the other states in the union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to all members of Congress from the Commonwealth of Kentucky.

The Committee on Judiciary-Courts reported **HB 524, SB 159, SB 160, HB 587** with Committee Amendment attached thereto, **HB 731** with Committee Amendment attached thereto, and **SB 162** with Committee Amendment attached thereto, with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 524,** AN ACT relating to a unified state court system.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 32.010 is amended to read as follows:

Other provisions of the law to the contrary notwithstanding, KRS 32.010 to 32.070 shall provide for expanded state financial support to the state court system and the offices of the commonwealth's attorneys. Nothing contained in KRS 32.010 to 32.070 shall be construed as limiting, restricting, or terminating the authority of local governmental units, including cities, counties, and urban counties, to provide financial support for the court system and the offices of the commonwealth's attorneys which are serving that local community, and all such units of local government are further authorized to supplement the financial support provided thereto by the state under KRS 32.010 to 32.070*, and nothing contained in KRS 32.010 to 32.070 shall limit or restrict the number of full or part-time assistant commonwealth's attorneys, secretaries or detectives which may be appointed and compensated pursuant to KRS 32.040 where such staff are necessary to adequately perform the function of the commonwealth's attorney in any judicial district.*

**SB 159,** AN ACT relating to the practice of law and attorneys at law.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

The Governor and the Lieutenant Governor shall not engage in the practice of law during their terms of office.

SECTION 2. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

The attorney general shall not engage in the private practice of law during his term of office.

SECTION 3. KRS CHAPTER 21A IS ESTABLISHED AND A NEW SECTION THEREOF CREATED TO READ AS FOLLOWS:

To assist in the evaluation of applicants for admission to the practice of law, the Supreme Court may appoint a board of bar examiners.

SECTION 4. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) Any fees fixed by the Supreme Court to be paid by applicants for admission to the practice of law and for the issuance of a license to practice law shall be promptly paid into the state treasury by the person, officer or agency designated by the Supreme Court to receive or collect the fees.

(2) The Supreme Court shall make reasonable allowances to each member of the board of bar examiners for his services, for necessary clerical assistance and for necessary expenses incurred in the performance of his duties, such allowances to be paid at such times as the Court directs. The Court may make allowances to other persons for services and expenses necessary or proper in connection with the conducting of examinations of applicants for admission to practice law. The allowances provided for in this subsection shall be paid out of such appropriation as is made for the purpose.

SECTION 5. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

As deemed necessary in the exercise of its power to discipline attorneys, as granted by Section 116 of the Constitution, the Supreme Court may authorize the Kentucky Bar Association to conduct hearings, administer necessary oaths, take testimony under oath, compel the attendance of witnesses, and compel the production of records and other evidence.

SECTION 6. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The Supreme Court has power to provide for the organization, government and membership of the state bar of Kentucky and to adopt rules and regulations to govern conduct and activity of the state bar and its members.

SECTION 7. A NEW SECTION OF KRS CHAPTER 25 IS CREATED TO READ AS FOLLOWS:

(1) No county judge shall engage in the practice of law in any court inferior to the circuit court located in his county, except that he may practice in any litigation in which he was employed before his election or appointment, or which grows out of or is appealed from any case in which he was then employed, or in any case in which he is personally interested.

(2) This section shall cease to be in effect and stand repealed as of January 1, 1978.

SECTION 8. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) No county clerk or circuit clerk shall maintain a law partnership or association with an attorney at law.

(2) No circuit clerk, county clerk, justice of the peace, constable, or recorder shall keep his office with that of an attorney at law.

SECTION 9. A NEW SECTION OF KRS CHAPTER 376 IS CREATED TO READ AS FOLLOWS:

Each attorney shall have a lien upon all claims, except those of the state, put into his hands for suit or collection or upon which suit has been instituted, for the amount of any fee agreed upon by the parties or, in the absence of such agreement, for a reasonable fee. If the action is prosecuted to a recovery of money or property, the attorney shall have a lien upon the judgment recovered, legal costs excepted, for his fee. If the records show the name of the attorney, the defendant shall be deemed to have notice of the lien. If the parties in good faith and before judgment compromise or settle their controversy without the payment of money or other thing of value, the attorney for the plaintiff shall have no claim against the defendant for any part of his fee.

SECTION 10. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) If any attorney employed to attend to professional business neglects to attend to the business, after being paid anything for his services, or attends to the business negligently, he shall be liable to the client for all damages and costs sustained by reason thereof.

(2) If any attorney employed to attend to any professional business receives his fee and does not attend to the business, he may be sued and made to refund the fee.

SECTION 11. A NEW SECTION OF KRS CHAPTER 524 IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in subsection (2), a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he engages in the practice of law, as defined by rule of the Supreme Court.

(2) A licensed nonresident attorney in good standing, although not licensed in Kentucky, is not guilty of unlawful practice if, in accordance with rules adopted by the Supreme Court, he practices law under specific authorization of a court.

(3) Unlawful practice of law is a Class B misdemeanor.

Section 12. KRS Chapter 30 is repealed.

**SB 160,** AN ACT relating to the unified court system.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 26A IS ESTABLISHED AND A NEW SECTION THEREOF CREATED TO READ AS FOLLOWS:

(1) When collection of a judgment for the payment of money has been stayed as provided in the Rules of Civil Procedure, there shall be no damages assessed on the first appeal as a matter of right contemplated by Section 115 of the Constitution of Kentucky.

(2) When collection of a judgment for the payment of money has been stayed as provided in the Rules of Civil Procedure pending any other appeal, damages of ten percent (10%) on the amount stayed shall be

imposed against the appellant in the event the judgment is affirmed or the appeal is dismissed after having been docketed in an appellate court.

(3) Similar damages of ten percent (10%) shall be imposed when a petition for writ of certiorari, petition for rehearing, or other petition which stays collection of a judgment for the payment of money is denied by an appellate court under circumstances not constituting a first appeal under subsection (1) of this section.

(4) No additional penalty shall be imposed upon a party as a consequence of a review subsequent to a petition or a second appeal.

(5) Damages imposed under subsections (2) or (3) of this section shall not be payable and shall be void if the decision of the trial court awarding the payment of money is ultimately reversed.

Section 2. KRS 360.040 is amended to read as follows:

A judgment shall bear *eight percent (8%)* [legal] interest from its date. A judgment may be for the principal and accrued interest; but if rendered for accruing interest, it shall bear interest only according to its terms. Provided, that when a claim for unliquidated damages is reduced to judgment, such judgment may bear less interest than *eight percent (8%)* [six percent] if the court rendering such judgment, after a hearing on that question, is satisfied that the rate of interest should be less than *eight percent (8%)* [six percent]. All interested parties must have due notice of said hearing.

Section 3. KRS 21.130 is hereby repealed.

**HB 587**, AN ACT relating to juvenile courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 208.110 is amended to read as follows:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in KRS 208.010 to 208.540. The law relating to bail shall not be applicable to children detained in accordance with KRS 208.010 to 208.540.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing an offense, under the provisions of KRS 208.020 (1) (a), (b), or (c) the officer shall immediately notify the parent, or if the parent is not available, then a relative, guardian, or custodian of the child, that the child has been detained, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for the detention, and state the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a petition, warrant, or both may be issued for the apprehension of the person or of the child, or both.

(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention. [When a child is detained in any way or for any reason, there shall be a hearing held within forty-eight hours, exclusive of Sunday, of the commencement of detention to determine whether or not there is reasonable cause to believe that an offense has been committed and that the detained child committed the offense. The Commonwealth shall bear the burden of proof, and if it shall fail to establish such reasonable cause, the child shall be released and the complaint dismissed. If such reasonable cause is established, the court shall then determine whether or not the circumstances surrounding the child are such as to endanger its safety or welfare or that of the community. The Commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence. Upon such showing of proof and order of the court, the child shall be detained until such time as the court may

withdraw the order for detention or make a speedy disposition in the child's best interest. Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible person pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.]

*(5) When a child is detained for the alleged commission of a public offense as defined in KRS 208.020 (1) (a), a hearing shall be held as soon as possible, but not to exceed seventy-two (72) hours, exclusive of Sunday and legal holidays, as defined in KRS 2.015 of the commencement of detention. At the detention hearing, the juvenile shall possess and be advised of his right to notice of the charge, the right of privilege against self-incrimination, and the right to counsel. At the hearing, heresay evidence shall be admissible. The hearing shall address the following issues:*

*(a) If there is probable cause to believe that an offense has been committed and that the accused child has committed that offense, the Commonwealth shall bear the burden of proof; and*

*(b) What degree of control and security is necessary to assure the safety of the child, protection of the community and the appearance of the child in court.*

*(6) In determining the degree of control and security, the court shall consider but is not limited to:*

*1. The seriousness of the alleged offense;*

*2. The likelihood that the child would commit an offense dangerous to himself or the community pending disposition of the original offense;*

*3. The child's prior record of court appearances, if any;*

*4. Whether the child is being held for another jurisdiction.*

*(7) If, after completion of the detention hearing, the court is of the opinion to order detention, the order shall articulate the reasons for detention and the nature of the detention based upon the conclusions of the detention hearing.*

*(8) When a child is detained in any manner for the alleged commission of an offense as defined in KRS 208.020 (1) (b) or (c), other than a public offense, a hearing shall be held as soon as possible, but not to exceed seventy-two (72) hours, exclusive of Sunday and legal holidays, as defined in KRS 2.015 of the commencement of detention. At the detention hearing, the juvenile shall possess and be advised of his right to notice of the charge, the right of privilege against self-incrimination, and the right to counsel. At the hearing, hearsay evidence shall be admissible. The hearing shall address the following issues:*

*(a) If there is probable cause to believe that an offense has been committed and that the accused child has committed that offense, the Commonwealth shall bear the burden of proof; and*

*(b) What degree of control and security is necessary to assure the safety of the child, the protection of the community, and the appearance of the child in court.*

*(9) In determining the degree of control and security, the court shall consider but is not limited to:*

*1. The availability of a parent, guardian, or responsible adult to assure the control and safety of the child;*

*2. The availability of court-appointed supervisory or probation personnel to assure the control and safety of the child;*

*3. The availability of foster care or shelter care facilities that would assure the control and safety of the child;*

*4. The availability of secure detention that would provide for the separation of the child both physically and communicatively from adult offenders and other juvenile offenders accused of committing public offenses as defined in KRS 208.020 (1) (a).*

*(10) Secure detention for status offenders is to be used in only those cases when the court is of the opinion that other alternatives are either not available or cannot provide the degree of control and safety necessary to assure the safety and security of the child. If, after the completion of the detention hearing, the court is of the opinion to order detention, the order shall articulate the reason for detention and the nature of the detention based upon the conclusions of the detention hearing.*

*(11) Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of his parent or other responsible person pending further disposition of the case. A child shall have the right to counsel at any hearing determining his right to freedom pending the disposition of his case, and his parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.*

*(12)*[(5)] Whether the child is released before or after a hearing, or is detained as the result of such a hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least *seventy-two (72)*

[forty-eight] hours prior to the initial hearing on the case.

Section 2. KRS 208.170 is amended to read as follows:

*(1) If, prior to an adjudicatory hearing in the juvenile court, a child who has allegedly committed a felony offense, was 16 years of age or older, at the time of the alleged commission of the offense, or was less than sixteen (16) years old, but the offense was a class A felony or a capital offense, and the prosecution is of the opinion that the child be tried and disposed of under the regular law governing crimes, a bifurcated hearing shall be held to determine if the case merits transfer to the circuit court in which the alleged offense was committed. The hearing held to consider the transfer of a juvenile to the circuit court shall address two major considerations.*

*(a) If there is probable cause to believe that an offense was committed and that the accused child had committed that offense, and*

*(b) If it is in the best interest of the child or the community to order such a transfer, based upon but not limited to such criteria as:*

*1. The seriousness of the alleged offense to the community;*

*2. Whether the alleged offense was against person or property (greater weight being given to offenses against person);*

*3. The sophistication and maturity of a child as determined by considerations of his home, environmental situation, emotional attitude and pattern of living;*

*4. The child's prior record, including prior contacts with the juvenile justice system;*

*5. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities currently available to the juvenile justice system.*

*(2) If, after completion of the transfer hearing, the court is of the opinion to order such transfer, the order of transfer shall articulate the reasons for such transfer based upon the conclusions of the transfer hearing.*

[(1) If, during the course of any proceeding in the juvenile court, it appears to the court that there is reasonable cause to believe that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen (16) years of age or older, or was less than sixteen (16) years of age but the offense was a class A felony or a capital offense, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.]

*(3)* [(2)] When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, *it shall be instructed that* it may either return an indictment or [may] return a written report to the circuit court recommending that the child be *transferred back to the juvenile court* [committed to the department]. If the court believes that such *a transfer* [commitment] would be proper, it may order the *transfer back to juvenile court* [child committed to the department].

(b) *If the indictment is returned, the child shall be tried as an adult defendant, or the court in its discretion may order the case transferred back to the juvenile court.* [If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.]

(c) [If neither of the procedures specified in paragraphs (a) and (b) of this subsection are employed, the child shall be tried as any other defendant.

(d)] While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

[(e) Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one (21).]

Section 3. KRS 208.180 is amended to read as follows:

(1) If a child tried on a felony charge in the circuit court, under paragraph *(b)* [(c)] of subsection *(3)* [(2)] of KRS 208.170 is convicted of a felony, and sentenced to imprisonment, he shall be committed to the *custody of the Bureau of Corrections* [penitentiary], except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches twenty-one (21) years of age, the commitment to the department shall be for an indeterminate period not to exceed the age of twenty-one (21). If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one (21), the commitment shall be to the department until the age of twenty-one (21), and thereafter to the *custody of the Bureau of Corrections* [penitentiary]. In the latter case, if the child is out on parole at the time he becomes twenty-one (21), he may be transferred to supervision of adult parole officers.

However, if the parole is revoked he shall be returned to the *custody of the Bureau of Corrections* [penitentiary] and shall thereafter be dealt with the same as an adult sentenced to the *custody of the Bureau of Corrections* [penitentiary].

(2) If a child tried on a felony charge in the circuit court, under paragraph *(b)*[(c)] of subsection *(3)* [(2)] of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one (21) years.

Section 4. KRS 208.230 is amended to read as follows:

In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to be encouraging, causing or contributing to the acts or conditions which bring the child within the purview of KRS 208.020 to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. In case of failure to comply with such requirement, the court may proceed against such persons for contempt of court. *The court may order the appearance of one or more parent, guardians, or custodians of the child at any court hearing involving the child.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) When a juvenile who is at least fourteen (14) years of age has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, excluding traffic violations as provided in KRS 208.020, the court in its discretion may order:

(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. It shall be appropriate to the age level and physical ability of the child and shall be combined with the counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with the child's education. The assignments to the community services work program shall be made to a governmental, non-profit community organization, or to a victim of the offense, for a specified period of time not to exceed one hundred twenty (120) hours for a juvenile adjudicated delinquent in the commission of a class A misdemeanor, not to exceed eighty (80) hours for a juvenile adjudicated delinquent in the commission of a class B misdemeanor, and not to exceed forty (40) hours for a juvenile adjudicated delinquent in the commission of an offense classified as a violation under the criminal code.

(b) The imposition of a fine for a juvenile found to have committed a misdemeanor or violation based upon the determination that this disposition is in the best interest of the child or an aid to rehabilitation. Fines shall be levied consistent with the schedule set out below when a juvenile has been found delinquent in the commission of a misdemeanant offense.

| | |
|---|---|
| Class A Misdemeanor | Maximum fine $150 |
| Class B Misdemeanor | Maximum fine $ 75 |
| Violations | Maximum fine $ 45 |

When a juvenile's disposition is to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the disposition, the fine shall be payable forthwith.

(2) When a juvenile has been ordered to comply with the provisions of paragraphs (a) or (b) of subsection (1) of this Section and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require him to show cause why he should not be held in detention for non-compliance with the court order. The court may issue an order of custody or a summons for his appearance.

(3) Following an order to show cause for failure to comply with any order or disposition of the juvenile court, unless the individual shows that his default was not attributable to an intentional refusal to obey the disposition of the court and not attributable to a failure on his part to make a good faith effort to comply with the court order, the court may order the individual detained for a term not to exceed:

30 days for any felony;
Five days if the order was imposed for the commission of a class A misdemeanor;
Three days if the order was imposed for the commission of a class B misdemeanor;
Two days if the order was imposed for the commission of a violation;
Repeated failure to comply shall constitute a separate contempt.

(4) When it is the opinion of the court that the dispositions stated above in paragraphs (a) and (b) of subsection (1) of this Section are inadequate to aid in the rehabilitation of the juvenile misdemeanant offender, the court in its discretion may order a juvenile who has been adjudicated delinquent in the commission of an

offense classified as a misdemeanor confined for periods as follows:

| | |
|---|---|
| Class A Misdemeanor | One to thirty days |
| Class B Misdemeanor | One to fifteen days |

SECTION 6. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Notice of dispositions of juvenile cases by juvenile court and notice of release of any juvenile committed to the department for confinement, shall be provided to the law enforcement agency where the juvenile normally resides and to the law enforcement agencies where any offense was committed.

(2) Any juvenile returning to a community after commitment to the department shall have the conditions of his probation or commitment provided to local law enforcement agenices by the juvenile court for assistance in supervision of the regulations imposed by juvenile court or the department.

SECTION 7. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving juveniles in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) If a latent fingerprint is found in connection with the commission of a public offense, and there is reason to believe that a juvenile may be involved in the commission of the offense, a law enforcement officer with permission of the juvenile court may fingerprint a juvenile for the purpose of comparison; or upon waiver of his rights and in the presence of an attorney or his parent, a juvenile may give consent to be fingerprinted.

(3) Juvenile fingerprint records shall not be entered into local or state automated data systems. All juvenile fingerprint records shall be surrendered to the court for destruction as soon as the juvenile has been eliminated as a suspect in a case. If a juvenile is convicted of an offense, his fingerprint records may be kept on file by local law enforcement agencies.

SECTION 8. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If a juvenile has committed:

(a) a class A or B felony or capital offense or

(b) has been found to have previously committed two or more felonies, prior to the present adjudication, the court in its discretion may commit the child to the department for the purpose of institutionalization for an indeterminate period of time, but not less than six months in duration.

(2) The department shall maintain jurisdiction over the juvenile during the period of the commitment.

(3) The department shall notify the court, prior to the termination of institutionalization as to the intentions of the department, as they relate to the treatment of the juvenile.

(4) Before the department releases a juvenile, the judge in whose jurisdiction the child will reside shall be notified by the department.

(5) The provisions set out above shall apply to the dispositions under KRS 208.180.

(6) The originating juvenile court sentencing a juvenile may, upon motion of the defendent and consent of the department, shock probate any commitment after the juvenile defendent has been confined for a period of one month.

The Committee Amendment to **HB 587** is as follows:

Amend printed copy of House Bill 587, on page 8, lines 11 and 12, by deleting the words "in which the alleged offense was committed" and substituting in lieu thereof the words "having jurisdiction"

**HB 731,** AN ACT relating to the Court of Justice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 7.132 is amended to read as follows:

(1) The commission shall determine when editions of KRS, supplements and supplementing pocket parts thereto shall be published and shall provide for the sale thereof. The commission may contract for the printing and binding of editions and supplemental publications without regard to the laws governing state printing except that any such contract shall be let upon bids to the lowest and best bidder. The commission shall promulgate regulations providing for the letting of bids and the advertisements therefor.

(2) All publications of statutes under KRS 7.120, 7.132, 7.134, 7.136, 7.138 and 7.140 shall be sold at prices fixed by the commission. The commission may, however, furnish to the state law library, without cost, on request of *the Chief Justice* [its board of trustees], such copies of the publications as are necessary to enable the state law librarian to carry out duties imposed on him by law. The commission shall include in its report to each regular session of the general assembly a statement showing the cost, number of copies, sales price, and distribution of all copies of any edition published since the last regular session.

(3) The commission shall control and supervise the use of type acquired by the state under any contract for the printing of the statutes and may permit the use of the type for the printing of pamphlets of particular portions of the statute laws requested by any state department or agency, under such terms and conditions as the commission considers reasonable.

(4) Any supplement or supplemental pocket parts published under KRS 7.120, 7.132, 7.134, 7.136, 7.138 and 7.140, may be cited as "KRS Supp." or "KRS p. p." respectively.

Section 2. KRS 7.134 is amended to read as follows:

(1) Complete editions of the Kentucky Revised Statutes shall contain:

(a) The constitution of the United States;

(b) The constitution of this commonwealth;

(c) All permanent statute laws of a general nature which are in force in the commonwealth of Kentucky at the time of publication;

(d) A full and accurate index of the statute laws and constitution of this commonwealth;

(e) The rules of the *Supreme* Court [of Appeals] of Kentucky; and

(f) Such annotations, historical notes, and other information as the commission deems appropriate to include.

(2) In preparing editions or any supplements or supplemental pocket parts thereto the commission may omit all laws of a private, local or temporary nature, including laws for the appropriation of money, and memorials and joint or concurrent resolutions. The commission shall omit the titles and enacting clauses of the several acts as well as repealing, emergency and severability clauses.

Section 3. KRS 7.170 is amended to read as follows:

(1) The word "assembly" as used in this section, unless otherwise indicated, refers to the "constitution revision assembly."

(2) A constitution revision assembly is hereby created as an agency of the legislative research commission to carry on a program of study, review, examination, and exposition of the constitution of Kentucky. The program shall be so designed and carried on as to conduct any and all reasonable and appropriate studies, surveys, analyses, hearings, and reports pertaining to or having a bearing thereon; to analyze and appraise such suggestions for amendment or revision as may be made by any person or persons, groups, or organizations pertaining to or in opposition thereto; and to bring to the public attention such proposals for revision or amendment of the constitution in accordance herewith. The assembly shall prepare and propose in detail from time to time such drafts, amendments, or revisions of the constitution as will promote the interest and welfare of the commonwealth, and shall make such drafts public.

(3) The assembly shall be composed of all former elected governors of the commonwealth of Kentucky who desire to serve as delegates at large, and additionally of forty-three (43) delegates appointed by majority vote of a committee composed of the governor, the lieutenant governor, the speaker of the house of representatives and the chief justice of the *Supreme* Court [of Appeals]. One (1) delegate shall be appointed from each of the senatorial districts as set forth in KRS 6.010 and five (5) delegates shall be appointed from the state at large. The terms of the delegates initially appointed shall extend through June 30, 1966, and their successors shall be appointed for two (2) year terms. All delegates shall be eligible for reappointment and shall serve until their successors have been appointed and qualified. Any vacancies shall be filled for the remainder of the unexpired term from the senatorial district in which the vacancy occurred. The assembly upon its appointment shall elect from the delegation a chairman and such other officers as it deems necessary, to serve for such terms and perform such duties as the assembly shall prescribe. The initial meeting of the assembly shall be upon call of the legislative research commission, and subsequent meetings shall be upon call of the chairman of the assembly.

(4) The delegates of the assembly shall serve without compensation but shall be reimbursed for their necessary and actual expenses in attending meetings of the assembly and otherwise in the performance of their duties from funds appropriated to the legislative research commission for the purposes of KRS 7.170 or otherwise made available for assembly use.

(5) The legislative research commission, from funds appropriated to it for the purposes of KRS 7.170, shall conduct such research studies as the assembly may request. The assembly with the approval of the legislative research commission may employ and may remove such personnel as may be reasonably necessary to carry out the work of the assembly. Expenditures under KRS 7.170 shall be paid upon vouchers approved

by the director of the legislative research commission from appropriations made to the legislative research commission for the purposes of KRS 7.170.

(6) The constitution revision assembly shall report to the governor and to the general assembly from time to time and especially to the general assembly biennially, on or before December 31 preceding each regular session of the general assembly on the result of its studies and deliberations.

Section 4. KRS 8.030 is amended to read as follows:

(1) The commission shall provide for the establishment of a permanent advisory committee on intergovernmental relations to be called the governor's advisory committee on intergovernmental relations.

(2) The committee shall function as a permanent standing advisory committee to the Kentucky commission on interstate cooperation and shall have no administrative functions.

(3) The governor's advisory committee on intergovernmental relations shall be composed of: (a) the governor; (b) the chairman of the Kentucky commission on interstate cooperation; (c) the chief justice of the *Supreme* Court [of Appeals]; (d) the commissioner of the executive department for finance and administration; (e) four (4) additional qualified members appointed by the governor.

(4) The governor will serve as chairman of the advisory committee.

Section 5. KRS 11.025 is amended to read as follows:

(1) The chief justice of the *Supreme Court* [Court of Appeals], with the concurrence of the president pro tem of the senate and the speaker of the house of representatives shall appoint a committee of five (5) prominent citizens to provide continuing attention to the maintenance, furnishings and repairs of the executive mansion.

(2) The committee so appointed shall include the first vice-president of the Kentucky Historical Society and the remaining four (4) members shall be residents of Franklin County.

(3) The committee herein established shall examine the executive mansion at least once each year and the committee shall supervise the maintenance of a current inventory of all furnishings in the executive mansion, such inventory to be maintained by the executive department for finance and administration.

(4) The committee shall recommend, from time to time, on the need for furnishings, maintenance or repair of the executive mansion and the executive department for finance and administration shall, from funds available, take such action as is recommended.

(5) The committee shall provide coordination and make arrangements for an orderly transition between outgoing and incoming chief executives.

(6) The committee shall perform the same functions required in relation to the executive mansion for the old governor's mansion insofar as they are applicable.

Section 6. KRS 12.020 is amended to read as follows:

Departments, Program Cabinets (and their Departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or executive order.

I. Departments headed by elected officers:
1. The Governor.
2. Lieutenant Governor.
3. Department of State.
(a) Board of Elections.
4. Department of Law.
(a) Consumers Advisory Council.
5. Department of the Treasury.
6. Department of Agriculture.
(a) State Board of Agriculture.
(b) Milk Marketing and Antimonopoly Commission.
7. Department of Education.
(a) State Board of Education.
(b) State Textbook Commission.
8. Auditor of Public Accounts.
9. Railroad Commission.
II. Cabinet Departments headed by appointed officers:
1. Executive Department for Finance and Administration.
(a) State Property and Buildings Commission.

(b) Turnpike Authority of Kentucky.
(c) Capitol Plaza Authority.
(d) Kentucky Housing Corporation.
(e) Kentucky Pollution Abatement Authority.
(f) Kentucky Health and Geriatric Authority.
(g) Kentucky Savings Bond Authority.
(h) County Debt Commission.
2. Department of Transportation.
(a) Railroad Commission.
(b) Motor Vehicle Dealers Board.
3. Department for Natural Resources and Environmental Protection.
(a) Environmental Quality Commission.
(b) Soil and Water Conservation Commission.
(c) Ohio River Sanitation Commission.
4. Department of Justice.
(a) Kentucky Crime Commission.
(b) Parole Board.
(c) Kentucky Law Enforcement Council.
[(d) Judicial Training Council.]
*(d)* [(e)] Commission on Corrections and Community Service.
*(e)* [(f)] State Police Personnel Board.
5. Department for Human Resources.
(a) Citizens Commission for Human Resources.
(b) Advisory Council for Medical Assistance.
(c) Unemployment Insurance Commission.
(d) Certificate of Need and Licensure Board.
(e) Generic Formulary Council.
Cabinet for Development.
Department of Agriculture (headed by elected officer).
6. Department of Commerce.
(a) Economic Development Commission.
(b) Kentucky Industrial Development Finance Authority.
(c) Kentucky Science and Technology Commission.
7. Department of Fish and Wildlife Resources.
(a) Fish and Wildlife Resources Commission.
8. Department of Parks.
(a) Breaks Interstate Park Commission.
9. Kentucky Historical Events Celebration Commission.
10. State Fair Board.
11. Kentucky Geological Survey.
Cabinet for Education and the Arts.
12. Kentucky Arts Commission
Department of Education (headed by elected officer).
13. Kentucky Authority for Educational Television.
14. Kentucky Heritage Commission.
15. Kentucky Historical Society.
16. Department of Library and Archives.
(a) State Archives and Records Commission.
(b) State Board for Certification of Librarians.
17. Advisory Council for Vocational Education and Manpower Development and Training.
Cabinet for Public Protection and Regulation.
18. Department for Alcoholic Beverage Control.
(a) Alcoholic Beverage Control Board.
19. Department of Banking and Securities.
20. Department of Insurance.
(a) Custodian of Insurance Securities.
21. Department of Labor.
(a) Workmen's Compensation Board.
(b) Board of Claims.
(c) Occupational Safety and Health Standards Board.

22. Department of Mines and Minerals.
23. Kentucky Registry of Election Finance.
24. Public Service Commission.
25. Kentucky Quarterhorse and Appaloosa Commission.
26. Kentucky State Racing Commission.
27. Kentucky Trotting Commission.
28. Kentucky Board of Tax Appeals.
III. Other Departments headed by appointed officers:
1. Department of Military Affairs.
2. Department of Personnel.
(a) Personnel Board.
3. Department of Public Information.
4. Department of Revenue.
5. Human Rights Commission.
6. Council on Public Higher Education.
7. Teachers' Retirement System.
8. Kentucky Employees' Retirement System.
9. Commission on Women.
10. Kentucky Tobacco Research Board.

Section 7. KRS 15.020 is amended to read as follows:

The attorney general is the chief law officer of the commonwealth of Kentucky and all of its departments, commissions, agencies, and political subdivisions, and the legal adviser of all state officers, departments, commissions, and agencies, and when requested in writing shall furnish to them his written opinion touching any of their official duties, and shall prepare proper drafts of all instruments of writing required for public use, and shall exercise all common law duties and authority pertaining to the office of the attorney general under the common law, except when modified by statutory enactment. He shall appear for the commonwealth in all cases in the *Supreme* Court *or Court* of Appeals wherein the commonwealth is interested, and shall also commence all actions or enter his appearance in all cases, hearings, and proceedings in and before all other courts, tribunals, or commissions in or out of the state, and attend to all litigation and legal business in or out of the state required of him by law, or in which the commonwealth has an interest, and any litigation or legal business that any state officer, department, commission, or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the commonwealth's attorney or county attorney to represent the commonwealth. When any attorney is employed for any said agency, the same shall have the approval of such agency before such employment.

Section 8. KRS 15.090 is amended to read as follows:

The attorney general may prosecute an appeal, without security, in any case from which an appeal will lie to the *Supreme* Court [of Appeals] whenever, in his judgment, the interest of the commonwealth demands it.

Section 9. KRS 15.100 is amended to read as follows:

(1) The attorney general shall appoint a deputy attorney general, who shall qualify as required by law, to serve at the pleasure of the attorney general, and such assistants and special attorneys as he deems necessary to transact the business of the department of law, and perform such duties as he may designate. The deputy attorney general, assistants, and special attorneys shall have full power, as authorized and under the direction of the attorney general, to perform such duties as may be performed by the attorney general. The attorney general shall be responsible for the official acts of his deputy, assistants, and special attorneys.

(2) In addition to the appointment and designation of assistants and special attorneys pursuant to subsection (1) of this section, the attorney general may enter into such contracts for legal services as he deems necessary and advisable.

(3) Each assistant or special attorney so appointed or designated shall be a person admitted to the practice of law by the *Supreme* Court [of Appeals] of this commonwealth and shall qualify by taking the oath of office.

Section 10. KRS 15.105 is amended to read as follows:

(1) The attorney general, with the approval of the head of the department or the commission involved shall appoint an Assistant Attorney General for the Department of Transportation, for the Public Service Commission, for the Department of Revenue, and for the Railroad Commission.

(2) The assistant attorneys general and additional attorneys provided for in subsection (1) of this section shall each be a person admitted to the practice of law by the *Supreme* Court [of Appeals] of this

Commonwealth and shall qualify by taking the oath of office. They shall be paid out of the appropriation or other funds of the respective department or commission to which they are assigned.

Section 11. KRS 15A.080 is amended to read as follows:

The Parole Board and the Commission on Corrections and Community Services shall be attached to the Office of the Commissioner, Bureau of Corrections, for administrative purposes. The Kentucky Law Enforcement Council shall be attached to the office of the Commissioner, bureau of training, for administrative purposes. [The judicial council created by KRS 22.050 shall serve as the Judicial Training Council to advise the Commissioner, Bureau of Training, on appropriate judicial training programs and evaluation of any such training programs in which it participates. The Judicial Training Council may prescribe standards for such judicial training programs, including standards for facilities, faculty, curricula and periods of attendance relating thereto. The Commissioner, Bureau of Training, shall consult with the Judicial Training Council on the subject of and the means by which to accomplish each judicial training program prior to its commencement.] The Commission on Corrections and Community Services shall advise the Commissioner, Bureau of Training, on appropriate correctional training programs and evaluation thereof.

Section 12. KRS 16.150 is amended to read as follows:

(1) Any officer of the bureau who shall be found guilty by the trial board of any charge as provided in KRS 16.140 shall have the right, within ten (10) days from the date of judgment of the trial board, to appeal to the Franklin Circuit Court, provided the punishment be a suspension of more than twenty (20) days or his pay be reduced more than ten per cent (10%), or if he is reduced in grade, if his classification so warrants, or is removed or dismissed from the bureau; Provided, however, the enforcement of the judgment of the trial board upon said charges shall not be suspended during said appeal.

(2) To perfect said appeal within the time specified, such officer shall file in the office of the clerk of the Franklin Circuit Court a copy of the order, of all the evidence heard and of all the steps taken by the trial board relative to such charges, but shall first post a bond to secure the cost of the action in a lump sum to be approved by the circuit clerk, with corporate surety approved by the department of insurance as to solvency and responsibility and authorized to transact business in this state, or he may post a cash bond. The members of the trial board and the commissioner shall be necessary parties to such appeal. The circuit clerk shall docket the case as though it were a petition in equity and shall immediately issue a summons for the appellee. The summons shall be returnable in the same manner as in equity cases. Service of summons upon the commissioner or acting commissioner shall be deemed service upon the board.

(3) Such action shall be set down for trial as soon as possible, and the hearing thereof shall be expedited in the same manner as a declaratory judgment suit.

(4) No new or additional evidence shall be introduced in the Franklin Circuit Court, except as to fraud or misconduct of some party engaged in the administration of KRS 16.010 to 16.170, or one (1) who is a member of the trial board, but the court shall otherwise hear the case upon the record as attested by the board, and in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not (a) the board acted without or in excess of its powers; (b) the order appealed from was procured by fraud; (c) if questions of fact are in issue, whether or not any substantial evidence supports the order appealed from. After such a hearing, the court shall enter a judgment sustaining or setting aside the order of the trial board appealed from. The cost of the action shall follow the judgment of the court.

(5) Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure, but such appeal shall be docketed within 60 days from the entry of judgment; unless the time be extended by the circuit court, but in no event beyond 120 days from the entry of judgment. [The appeal may be advanced for immediate hearing and submission.]

Section 13. KRS 18.272 is amended to read as follows:

(1) Any final order of the personnel board either upholding or invalidating the dismissal, demotion, suspension, or other penalization of an employe with status may be appealed either by the employe or by the appointing authority.

(2) The party aggrieved may, within thirty (30) days after the entry of the final order with which he is dissatisfied, appeal that order by filing a petition with the clerk of the Franklin Circuit Court. The petition shall state completely the grounds upon which the review is sought and shall specify the alleged errors in the board's conclusion and order. The appellant shall furnish a copy of the petition to the opposing party and the board. Summons shall be issued by the circuit court clerk upon the petition directing the adverse party or parties to file an answer within twenty (20) days after service of summons. Service on the board shall be had by serving the attorney general or any assistant attorney general. The secretary of the personnel board shall within thirty days after service of the summons file an attested copy of the order with the circuit court clerk, and of all the steps taken by the board relative to the attested order. If either party requests a transcript of the evidence, the requesting party shall bear the cost of the original copy of the transcript and it shall be furnished within ninety days.

(3) The board, the employee, and the appointing authority shall be necessary parties to such appeals. It shall not be necessary for the board to file responsive pleadings unless it so desires. If the appeal is from an order upholding the dismissal, demotion, suspension, or other penalization, the burden of appearing and defending the action of the board shall be upon the appointing authority. If the appeal is from an order refusing to uphold the dismissal, demotion, suspension, or other penalization, the burden of appearing and defending the action of the board shall be upon the employee.

(4) The case shall be set down by the court for as early a day as possible for a hearing, and shall in all respects be expedited.

(5) No new or additional evidence shall be introduced in the Franklin Circuit Court except as to fraud or misconduct affecting the outcome of the case, but the court shall otherwise hear the case upon the record as attested by the secretary of the personnel board, and shall in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not:

(a) The board acted without or in excess of its power;

(b) The order appealed from was procured by fraud or misconduct;

(c) Substantial evidence supports the order appealed from;

(d) The board's decision is supported by the law.

(6) The court shall enter judgment affirming, modifying, or setting aside the order or, in its discretion, remanding the case to the board for proceedings in conformity with the directions of the court.

(7) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure [, and such appeals shall have precedence of other cases pending in the Court of Appeals].

Section 14. KRS 21.345 is amended to read as follows:

(1) For the purposes of KRS 21.350 to 21.510, "retirement" means a voluntary resignation or a failure of re-election, but does not include a removal for cause.

(2) The word "service" as used in KRS 21.370 to 21.480 means service as a judge or commissioner of the Court of Appeals, or as a regular circuit judge, or as director of the administrative office of the courts, including service in one (1) and then another of those capacities.

(3) For the purposes of KRS 21.345 to 21.520, a "year" of service means a total of twelve (12) months of service, which need not be in the same calendar year. Service in any calendar month shall be deemed to constitute a month of service.

*(4) The provisions of this section shall not apply to any director of the administrative office of the courts appointed after January 1, 1976, nor shall they apply to any commissioner of the Court of Appeals not appointed prior to January 1, 1976. The administrative director of the courts and commissioners of the Court of Appeals appointed prior to January 1, 1976, shall continue to be members of the system so long as they continue to render service in any capacity in or for the Court of Justice.*

Section 15. KRS 21.365 is amended to read as follows:

(1) The judicial retirement system established by KRS 21.350 to 21.480 shall extend to and embrace circuit judges and the director of the administrative office of the courts, upon their election to participate therein in accordance with the provisions of subsection (2) of this section.

(2) Each circuit judge in office on July 1, 1962, and the director of the administrative office of the courts in office on that date, may within thirty (30) days after that date, and any circuit judge or director of the administrative office of the courts thereafter taking office may within thirty (30) days after taking office, elect to make monthly contributions to the judicial retirement system established under KRS 21.350 to 21.480 in an amount equal to three per cent (3%) of his monthly official salary, including salary as special commissioner of the Court of Appeals. The election shall be effective to establish membership in the system as of July 1, 1962, or as of the date the judge or director thereafter took office, as the case may be. The election shall be addressed and filed, and have effect, the same as an election made by a judge or commissioner of the Court of Appeals under KRS 21.360. *This section shall not apply to directors of the administrative office of the courts taking office after January 1, 1976.*

(3) Each circuit judge in office in 1951 who had completed ten (10) or more years of service at that time shall receive a retirement allowance, and shall be considered a participant of the judicial retirement system.

Section 16. KRS 23.035 is amended to read as follows:

A judgment rendered in the circuit court may be reversed, vacated or modified, either by it or by the Court of Appeals *or the Supreme Court.*

Section 17. KRS 23.040 is amended to read as follows:

The state is divided into *judicial circuits* [circuit court districts], each to be composed of the following counties:

(1) First *Judicial Circuit* [District]. Ballard, Carlisle, Fulton and Hickman.
(2) Second *Judicial Circuit* [District]. McCracken.
(3) Third *Judicial Circuit* [District]. Christian, Lyon and Trigg.
(4) Fourth *Judicial Circuit* [District]. Caldwell and Hopkins.
(5) Fifth *Judicial Circuit* [District]. Crittenden, Union and Webster.
(6) Sixth *Judicial Circuit* [District]. Daviess.
(7) Seventh *Judicial Circuit* [District]. Logan and Todd.
(8) Eighth *Judicial Circuit* [District]. Warren.
(9) Ninth *Judicial Circuit* [District]. Hardin.
(10) Tenth *Judicial Circuit* [District]. Hart, Larue and Nelson.
(11) Eleventh *Judicial Circuit* [District]. Green, Marion, Taylor and Washington.
(12) Twelfth *Judicial Circuit* [District]. Henry, Oldham and Trimble.
(13) Thirteenth *Judicial Circuit* [District]. Garrard, Jessamine and Lincoln.
(14) Fourteenth *Judicial Circuit* [District]. Bourbon, Scott and Woodford.
(15) Fifteenth *Judicial Circuit* [District]. Carroll, Grant and Owen.
(16) Sixteenth *Judicial Circuit* [District]. Kenton.
(17) Seventeenth *Judicial Circuit* [District]. Campbell.
(18) Eighteenth *Judicial Circuit* [District]. Harrison, Nicholas, Pendleton and Robertson.
(19) Nineteenth *Judicial Circuit* [District]. Bracken, Fleming and Mason.
(20) Twentieth *Judicial Circuit* [District]. Greenup and Lewis.
(21) Twenty-first *Judicial Circuit* [District]. Bath, Menifee, Montgomery and Rowan.
(22) Twenty-second *Judicial Circuit* [District]. Fayette.
(23) Twenty-third *Judicial Circuit* [District]. Estill, Lee and Owsley.
(24) Twenty-fourth *Judicial Circuit* [District]. Lawrence, Johnson and Martin.
(25) Twenty-fifth *Judicial Circuit* [District]. Clark and Madison.
(26) Twenty-sixth *Judicial Circuit* [District]. Harlan.
(27) Twenty-seventh *Judicial Circuit* [District]. Knox and Laurel.
(28) Twenty-eighth *Judicial Circuit* [District]. Pulaski and Rockcastle.
(29) Twenty-ninth *Judicial Circuit* [District]. Adair, Casey, Cumberland and Monroe.
(30) Thirtieth *Judicial Circuit* [District]. Jefferson.
(31) Thirty-first *Judicial Circuit* [District]. Floyd.
(32) Thirty-second *Judicial Circuit* [District]. Boyd.
(33) Thirty-third *Judicial Circuit* [District]. Perry.
(34) Thirty-fourth *Judicial Circuit* [District]. Whitley and McCreary.
(35) Thirty-fifth *Judicial Circuit* [District]. Pike.
(36) Thirty-sixth *Judicial Circuit* [District]. Magoffin and Knott.
(37) Thirty-seventh *Judicial Circuit* [District]. Carter, Elliott and Morgan.
(38) Thirty-eighth *Judicial Circuit* [District]. Butler, Edmonson, Ohio and Hancock.
(39) Thirty-ninth *Judicial Circuit* [District]. Breathitt, Wolfe and Powell.
(40) Fortieth *Judicial Circuit* [District]. Clinton, Russell and Wayne.
(41) Forty-first *Judicial Circuit* [District]. Clay, Jackson and Leslie.
(42) Forty-second *Judicial Circuit* [District]. Calloway, Livingston and Marshall.
(43) Forty-third *Judicial Circuit* [District]. Barren and Metcalfe.
(44) Forty-fourth *Judicial Circuit* [District]. Bell.
(45) Forty-fifth *Judicial Circuit* [District]. Muhlenberg and McLean.
(46) Forty-sixth *Judicial Circuit* [District]. Breckinridge, Grayson and Meade.
(47) Forty-seventh *Judicial Circuit* [District]. Letcher.
(48) Forty-eighth *Judicial Circuit* [District]. Franklin.
(49) Forty-ninth *Judicial Circuit* [District]. Allen and Simpson.
(50) Fiftieth *Judicial Circuit* [District]. Boyle and Mercer.
(51) Fifty-first *Judicial Circuit* [District]. Henderson.
(52) Fifty-second *Judicial Circuit* [District]. Graves.
(53) Fifty-third *Judicial Circuit* [District]. Shelby, Anderson and Spencer.
(54) Fifty-fourth *Judicial Circuit* [District]. Boone and Gallatin.
(55) Fifty-fifth *Judicial Circuit* [District]. Bullitt.

Section 18. KRS 23.045 is amended to read as follows:

It shall be the duty of the *Supreme* Court [of Appeals] to establish the terms and dates for holding court in each of the circuit courts of this commonwealth. Before fixing such terms and dates of any circuit court, the *Supreme* Court [of Appeals] shall consult the circuit judge of the particular court under consideration.

Section 19. KRS 23.055 is amended to read as follows:

It shall be the duty of the *Supreme* Court [of Appeals] to assist and supervise the circuit courts of this commonwealth in all matters pertaining to the efficient handling of the dockets in the various circuit courts. It shall be the duty of the chief justice of the *Supreme* Court [of Appeals] to periodically ascertain the status of the docket in each of the circuit courts, and he may appoint a special judge to dispose of cases in any circuit court when, in his discretion, he finds there are too many undisposed of cases on the docket.

Section 20. KRS 23.110 is amended to read as follows:

(1) A term of court in any *judicial circuit* [district] may be extended if the business requires, but not so as to interfere with any other term in the *judicial circuit* [district]. Whenever it is necessary to transact the business, a special term may be held in any county, either by an order entered of record at the last preceding regular term in the county or by notice signed by the judge and posted at the courthouse door of the county for ten (10) days before the special term is held. The order or notice shall specify the day when the special term is to commence, and shall give the style of each case to be tried, or in which any motion, order or judgment is to be made or entered at the special term, and no other case shall be tried, or motion, order or judgment entered therein, unless by agreement of the parties, but if all the cases on the docket are to be before the court at the special term, a statement to that effect is sufficient without copying the entire docket in the order or notice.

(2) Whenever, in the opinion of the regular judge, there is such a congestion of the civil or criminal docket in the court that it cannot be disposed of by the court at its regular terms, or at a special term called and held under subsection (1) of this section, the judge may, by order entered of record at a regular term of the court, call a special term of court to be held while a court is, or may be, in session in the same or some other county in the *judicial circuit* [district]. Every order calling such special term shall specify the day when the special term shall commence and the time it shall continue, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at the special term, and no other case shall be tried, motion made, or order or judgment entered therein in any case, even by agreement of the parties, except upon direction of the chief justice as provided by KRS 23.120, but if all the cases on the docket are to be before the court at such special term, a statement to that effect is sufficient without copying the entire docket in the order.

(3) Whenever, in the opinion of the regular judge, he shall deem it more efficient and expeditious to the conduct of the business of the court, the regular judge may, by an order entered during the regular term, extend the said term of court to conclude at any time to and including the date for the convention of the next regular term of court in that county, even though terms of court may be in session in another county or counties of the same *judicial circuit* [district], either in regular term or as extended under this section; but in the assignment of cases, preference shall be given to the court which is in regular term. During this term, or as extended, all matters on the civil and criminal dockets shall be before the court, and the grand and petit juries selected for the regular term may be recessed and reconvened at any time during the term, or the extension of the term. The said order providing for the said extension may provide that all terms occurring after the order, and until such time as the order is revoked, shall be so extended, and a copy of the order shall be furnished by the clerk of the court to the executive department for finance and administration, the clerk of the *Supreme* Court [ofAppeals], and to the administrative director of the Courts [of Appeals]. Nothing in this section shall be construed as requiring any judge to so extend the regular terms of court in the *judicial circuit* [district], but as permissive and enabling.

Section 21. KRS 23.120 is amended to read as follows:

(1) Every regular circuit judge shall call a special term of his court, when, at the close of any regular term, ten (10) or more cases remain on the docket undisposed of and not called for trial, nor under submission. Upon the failure of the judge so to do, and upon manifestation of that fact by any of the parties litigant in such cases or by counsel of record, by motion and notice in writing to the chief justice of the *Supreme* Court [of Appeals], the chief justice may call a special term of the court, for the purpose of trying such cases or hearing any motion or pleading in relation thereto.

(2) The order of the chief justice calling a special term shall specify the court in which the special term shall be held, when it is to commence, and the style of each case to be tried, or in which any motion, pleading, order or judgment is to be filed, made or entered at the special term, but if all the cases on the docket are to be before the court at the special term, a statement to that effect is sufficient without copying the entire docket in the order. When a special term is ordered by the chief justice, the moving party shall serve a copy of the order upon all parties litigant affected thereby or upon counsel of record in each case specified in the order, or in lieu of such notice the chief justice may direct that notice of the special term be given by posting a copy of the order on the door of the courthouse where the special term is to be held, within a reasonable time previous thereto.

Section 22. KRS 23.125 is amended to read as follows:

(1) Each circuit court shall establish, by rule, for that court, a regular day or days certain at which time motions requiring notice and hearing may be heard and disposed of, and other court business dispatched; Provided, however, That a minimum of at least one (1) day each month shall be so established for each circuit court and held in the county wherein that court sits, unless the number of counties in the judicial *circuit* [district] exceeds four (4). If the number of counties in the judicial *circuit* [district] is five (5), a minimum of at least one (1) motion day each five (5) weeks shall be so established and held, and if the number of counties in the judicial *circuit* [district] is six (6), a minimum of at least one (1) motion day each six (6) weeks shall be so established and held.

(2) The motion day herein required and established shall take precedence over any assigned juridical day, and if the motion day established by any court be in conflict with the assigned juridical day of another court within the same judicial *circuit* [district], the motion day shall take preference.

Section 23. KRS 23.150 is amended to read as follows:

The judge of each circuit court, other than those of continuous session, may make or direct in vacation or term time at his chambers, at the circuit clerk's office or at any other place in any county in the *judicial circuit* [district], any order, rule, or judgment in any proceeding on the criminal docket, upon reasonable notice to the parties, except where trial by jury is called for or ordered by the court. In civil actions the judge may act out of term time as authorized by the Rules of Civil Procedure.

Section 24. KRS 23.230 is amended to read as follows:

(1) When, from any cause, a judge of any circuit court, whether of continuous session or terms, fails to attend, or being in attendance cannot properly preside in an action pending in the court, or if a vacancy occurs or exists in the office of circuit judge, or if either party files with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one (1) of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion. If any party to the action is a nonresident defendant, who has not entered his appearance nor been summoned, or is an infant defendant, the attorney appointed to defend for such nonresident or the guardian ad litem for such infant may agree with the other parties to the action upon an attorney having all the qualifications of a circuit judge to try the action. Any special judge so selected shall have all the powers and be subject to all the responsibilities of the regular judge of the court.

(2) If the parties cannot agree upon an attorney as provided in subsection (1) of this section or if the regular judge determines that sufficient time is not available in which to ascertain if the parties can agree upon a member of the Bar to act as judge, as provided in subsection (1) of this section, or if he determines that it is impracticable to attempt to obtain agreement because of the large number of parties to the action to be tried, or for any reason, the clerk shall at once certify the facts to the chief justice of the *Supreme* Court [of Appeals], who shall immediately designate a regular circuit judge, if one (1) be available, and, if not, an attorney having the qualifications of a judge, to hold the court or try the action.

Section 25. KRS 23.260 is amended to read as follows:

When the regular judge of the court cannot attend at a special term called under KRS 23.110, the clerk shall forward a copy of the order calling the term to the chief justice of the *Supreme* Court [of Appeals], who shall designate some other regular circuit judge not then engaged in the trial of cases, or if none is available at that time, an attorney having the qualifications of a regular circuit judge, to hold the special term. The special judge so designated shall have all the powers of the regular judge. When the chief justice calls a special term under KRS 23.120, he may designate a special judge in like manner.

Section 26. KRS 23.270 is amended to read as follows:

Any circuit judge who refuses to serve or to preside when requested to do so by the chief justice of the *Supreme* Court [of Appeals], unless he is prevented by cause beyond his control or is disqualified from presiding, may be cited to appear before the *Supreme* Court [of Appeals], or if in vacation before any justice thereof, for contempt. The attorney general shall appear before the *Supreme* Court [of Appeals], or if in vacation before any justice thereof, in support of the rule or citation issued. If upon a hearing or in response to the rule it appears that the circuit judge so offending has not sufficient cause for his refusal to act as special judge, he shall be dealt with in such manner as the court sees fit, and fined for the contempt in such sum as the court may determine.

Section 27. KRS 23.280 is amended to read as follows:

The clerk of each circuit court, other than those of continuous session, shall notify the chief justice of the *Supreme* Court [of Appeals] in writing immediately upon the final adjournment of each regular or special term of his court, and also of the time when the next regular or special term will begin. The chief justice shall keep a roster of the circuit judges showing when each of them is not engaged in holding a regular or special term of court in his *judicial circuit* [district], and the chief justice in designating the circuit judges to hold any special term or to try any case at such term, shall do so in such manner as to divide the duties as special judges as equally as possible among all the regular circuit judges, exclusive of judges of courts of continuous session.

Section 28. KRS 23.290 is amended to read as follows:

Every special judge designated under KRS 23.230 shall be paid for his services such sum per day as would be the equivalent of the rate of compensation received from the state treasury by the regular judge if computed on a daily basis. Claims for such compensation and expenses shall be allowed and paid as provided by law for the payment of other claims against the commonwealth, after approval by the administrative director of the Court*s* [of Appeals].

Section 29. KRS 24.010 is amended to read as follows:

(1) In counties constituting separate judicial *circuits* [districts] and having a population of less than 150,000, the circuit court shall be in continuous session, and shall be held in a city of the second class if there is one (1) in the county, but the judge shall hold part of the sessions at the county seat of the county if it is not such city, such part to be not less than two (2) weeks, if the business of the court requires, in February, June and October of each year.

(2) All suits in which the defendants or the greater number of defendants reside nearer the county seat than the city of the second class shall be docketed and tried at the county seat, and the process in such cases shall so indicate. The plaintiff in any action against a foreign corporation, a nonresident of the county, or a common carrier whose lines extend into any part of the county, may select at which place he will have the case docketed and tried, and the process shall be made by the clerk to so indicate. By consent, parties may have their case tried at either place.

(3) Provided, however, if the county seat city is contiguous to the second-class city and the distance between the courthouse in the county seat city and the city hall in the second-class city, by the shortest generally traveled route is not more than ten (10) miles then the courthouse may be in either city and all circuit courts and grand juries shall be held and all cases civil and criminal tried at the courthouse; Provided further, That nothing herein shall prevent the establishment and maintenance of branch offices of the circuit clerk and the county court clerk in the second-class city.

Section 30. KRS 24.046 is amended to read as follows:

The Second, Sixth, Eighth, Ninth, Seventeenth, Thirty-second, and Thirty-fifth *Judicial* Circuit*s* [Court Districts] shall have two (2) judges each, and the Sixteenth *Judicial* Circuit [Court District] shall have four (4) judges.

Section 31. KRS 24.048 is amended to read as follows:

(1) The Circuit Court of Fayette County, Twenty-second Judicial *Circuit* [District], shall have six (6) judges.

(2) The Circuit Court of Fayette County, Twenty-second Judicial *Circuit* [District], is a court of continuous session, and said Court shall consist of six (6) numbered divisions.

(3) In elections of judges of the Circuit Court of Fayette County, Twenty-second Judicial *Circuit* [ District], each office shall be voted for separately by numbered division. The candidate receiving the largest number of votes cast for a numbered division of the court shall be elected judge of that division.

Section 32. KRS 24.049 is amended to read as follows:

(1) The 48th *Judicial* Circuit [Court District] shall have two circuit judges.

(2) The circuit court shall be established in two (2) numbered divisions, that is, a First Division and a Second Division. The present circuit judge shall be the judge of the First Division and the additional judge provided for herein shall be the judge of the Second Division.

Section 33. KRS 24.051 is amended to read as follows:

(1) In each *judicial* circuit [court district] having four (4) or more judges and located in a county having a population of less than 250,000, the judges of such court shall establish numbered divisions of the court and shall adopt uniform rules for the transacting of the business of the court, all of which shall be effective only when approved by the *Supreme* Court [of Appeals], Provided, however, That criminal causes shall be under one (1) of the divisions of said court to be designated by the judge who is senior in service in said court and all other litigation, of which the circuit court may have jurisdiction, shall be distributed as equally as may be between the other divisions thereof as provided by the rules of said court.

(2) Every circuit court having four (4) judges shall have continuous sessions.

Section 34. KRS 24.065 is amended to read as follows:
Each judge of a circuit court of continuous session having more than one (1) judge, and located in a county having less than 150,000 population, shall have jurisdiction over both civil and criminal causes. The judges of such a court shall establish numbered divisions of the court and shall adopt uniform rules for transacting the business of the court, all of which shall be effective only when approved by the *Supreme* Court [of Appeals]; in counties having three (3) judges the three (3) judges may agree among themselves that one (1) of said judges shall have exclusive jurisdiction of criminal cases.

Section 35. KRS 24.068 is amended to read as follows:
(1) In each *judicial* circuit [court district] located in a county having a population of 150,000 or more, but less than 250,000, there shall be a criminal branch of said court which shall have exclusive jurisdiction of all criminal causes, and a civil branch of said court which shall have jurisdiction of all other causes.

(2) In each *judicial* circuit [court district] described in subsection (1) above, the judges of such court shall, in general term, adopt uniform rules for transacting business of the court, all of which shall be effective only when approved by the *Supreme* Court [of Appeals]. Such rules may provide that the judge of any numbered division of such court may hear causes in both the criminal branch and the civil branch, or that the judge of any numbered division shall hear cases exclusively in the criminal branch or the civil branch of said court. Said rules may also provide that all cases and causes within the civil branch involving domestic relations shall be assigned exclusively to one or more numbered divisions. So long as the total business of such court is divided among the numbered divisions of the court as nearly equally as possible, such rules may provide for the distribution of different classes of actions among the numbered divisions in such proportions as the judges shall determine. In the event that the judges of such court shall fail to agree upon the rules providing for the assignment of the business of the court among the numbered divisions, such rules shall be determined by the judge of the court who is senior in service of the said court.

(3) In each *judicial* circuit [court district] described in subsection (1) above, any judge of one of the numbered divisions of the court may hear and determine any case or question in any other numbered division of the court, and the proceedings in such court shall be valid when prosecuted in any branch or division thereof.

Section 36. KRS 24.265 is amended to read as follows:
The judges of circuit courts of continuous session may appoint a bailiff, who shall be classified as a deputy sheriff. The compensation of the bailiff shall be fixed by an order of the circuit court and signed by a majority of the judges thereof, Provided, however, said compensation shall not exceed seven dollars ($7.00) per day. His salary shall be paid monthly out of the fund of the sheriff of the county of which the *judicial* circuit [district] is composed.

Section 37. KRS 27.061 is amended to read as follows:
On the motion of any party to an action who shows that he has, or probably has, a right to, a lien upon, or an interest in, any property or fund, the right to which is involved in the action, and that the property or fund is in danger of being lost, removed or materially injured, the court, or the judge thereof during vacation, may appoint a receiver to take charge of the property or fund during the pendency of the action, and may order and coerce the delivery of it to him. The order of a court, or of the judge thereof, appointing or refusing to appoint a receiver, shall be deemed a final order for the purpose of an appeal to *an appellate* [the] Court [of Appeals]; Provided, That such order shall not be superseded.

Section 38. KRS 27.085 is amended to read as follows:
(1) The circuit judge in counties containing a city of the second class, having an assessed valuation of less than $100,000,000 and comprising a separate judicial *circuit* [district], may appoint a secretary to the master commissioner of the circuit court. The secretary shall be skilled in stenographic reporting and shall hold office for a period of four (4) years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the circuit judge.

(2) The secretary, before entering upon the discharge of his duties, shall take an oath before the judge of the court for which he is appointed to faithfully discharge the duties of his office. The appointment of the secretary and the fact of his having qualified shall be entered upon the order book of the court.

(3) The secretary shall receive a salary to be fixed by the fiscal court and paid in monthly installments by the county.

(4) Upon any trial or proceeding before the master commissioner if either party request the services of the secretary, or if, in the opinion of the circuit judge or master commissioner, the testimony should be preserved, the judge or master commissioner shall direct the secretary to, and the secretary shall, take full

stenographic notes of the proceedings. The secretary shall receive for making transcripts thirty cents (30¢) per page for original copies and twelve and one-half cents (12 1/2¢) for each duplicate thereof. The fee for making any transcript or duplicate shall be paid by the party upon whose motion the transcript or duplicate is made, and shall be taxed as part of the costs in the action.

(5) In counties containing a city of the second class where the circuit court has more than one (1) judge, the secretary to the master commissioner shall be appointed upon the concurrence of the judges.

Section 39. KRS 28.280 is amended to read as follows:

The *Supreme Court,* Court of Appeals and the circuit courts shall have the same power over the books and papers in their respective clerk's offices as is conferred in subsection (2) of KRS 28.270 upon the county courts. All expenses incurred by circuit courts in this regard shall be paid out of the county levy as other claims. All expenses incurred by the Court of Appeals *or the Supreme Court* shall be paid out of the state treasury upon the warrant of the executive department for finance and administration, which shall be issued when the order of the court directing the expense incurred and a statement of the cost of the same is filed with the department.

Section 40. KRS 28.410 is amended to read as follows:

(1) Each circuit judge may appoint an official stenographic reporter for his court or division, except that if his judicial *circuit* [district] embraces more than one (1) county, none of which contains a city of the third class, he may appoint one (1) official stenographic reporter for the *judicial circuit* [district], or except that his court or division qualifies under the provisions of subsection (2) of this section. The reporter shall be skilled in the profession, and shall hold office at the pleasure of the judge.

(2) Each circuit judge regularly presiding over criminal trials may employ an additional stenographic reporter. The reporter shall be skilled in the profession, and shall hold office at the pleasure of the judge. This subsection shall apply to circuit courts in counties containing a city of the first or second class.

Section 41. KRS 28.430 is amended to read as follows:

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to, and the reporter shall, take full stenographic notes of the proceedings.

(b) In counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall take down the proceedings in all cases, embracing preliminary motions, rulings of court, examination of jurors, testimony and arguments of counsel.

(2) In all criminal proceedings, upon the motion of either party the court shall order the reporter to make a full and accurate transcript and duplicate copy of his notes. The original shall be filed among the papers to be used in making up the record on appeal [to the Court of Appeals]. The duplicate copy shall be filed with the papers, and remain in the office of the clerk of the court as a public record.

(3) In all civil actions the record of proceedings and the transcript of evidence shall be made up in accordance with the Rules of Civil Procedure.

Section 42. KRS 28.460 is amended to read as follows:

(1) Reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall receive a salary to be fixed by the circuit court not to exceed a sum of six thousand dollars ($6,000), to be paid out of the county treasuries of the counties embraced in the *judicial circuit* [district] in proportion to the number of days of court provided for by law in each county and to be paid upon certification of the circuit court to the fiscal courts. In addition to such salary, the reporter shall be entitled to the fees provided for in this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be twenty-five dollars ($25.00) per day for taking shorthand notes, provided that no reporter shall charge more than twenty-five dollars ($25.00) per day, and fifty cents (50¢) per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the commonwealth's attorney. If the taking or the transcript is requested upon the motion of the defendant, he shall pay for same if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the taking or for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report of transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half (1/2) the amount

they are allowed for the original, to be paid for in the same manner as the original.

Section 43. KRS 28.610 is amended to read as follows:

(1) A majority of the judges of the circuit court of each judicial *circuit* [district] composed of a county containing a population of seventy-five thousand (75,000) or over, may appoint an official interpreter for a term of four (4) years and until his successor is appointed and qualified. He shall receive an annual salary not exceeding fifteen hundred dollars ($1500), to be fixed by a majority of the judges of the court and paid in monthly installments out of the county treasury. The interpreter may be removed at any time by a majority of the judges.

(2) The judge presiding in the criminal branch of the circuit court of each judicial *circuit* [district] having seven (7) or more judges may appoint an official interpreter for a term of four (4) years and until his successor is appointed and qualified. He shall receive an annual salary fixed by the presiding judge of the criminal branch at not exceeding six hundred dollars ($600), to be paid in monthly installments out of the county treasury.

Section 43. KRS 28.660 is amended to read as follows:

The circuit judges shall appoint two (2) or more examiners in each county of their respective *judicial circuits* [districts], who, before acting, shall be sworn in open court to discharge faithfully and impartially the duties of their office; and who shall hold their offices at the pleasure of the court.

Section 45. KRS 32.020 is amended to read as follows:

(1) Each judge of the *Supreme Court,* Court of Appeals and each circuit judge shall have an allowance not to exceed the sum of $1,800 per year for necessary expense incurred in discharging the duties of his office. This allowance shall be in addition to expenses payable pursuant to KRS 64.505. Claims for such expenses shall be submitted and approved in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the Commonwealth.

(2) The fiscal court in the county or counties which comprise the circuit court district shall be responsible for providing the circuit judge with adequate office facilities, all utilities, including local telephone service and long distance telephone charges within that county, an adequately equipped courtroom and all maintenance relating thereto.

Section 46. KRS 32.030 is amended to read as follows:

(1) Each circuit judge may employ an official court reporter for his judicial *circuit* [district] or division. The court reporter shall be skilled in the profession and shall hold office at the pleasure of the judge. The court reporter shall be responsible for taking full stenographic notes of the proceedings in all criminal cases, including arraignments, preliminary motions, pre-trial hearings, rulings of court, examination of jurors, testimony and arguments of counsel. The court reporter shall be responsible for preparing a full and accurate transcript and duplicate copy of his notes of all criminal proceedings upon motion of the commonwealth or the defendant. No additional fee or compensation other than the annual salary provided in subsection (3) hereof shall be charged by or allowed to the court reporter for preparation of a transcript for the Commonwealth or a moving defendant in forma pauperis. If the transcript is made upon motion of the defendant in a criminal case other than in forma pauperis, the defendant shall pay the fee provided by law.

(2) The court reporter may take full stenographic notes of any other trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved. The court reporter may charge and receive fees and per diem allowances for civil proceedings as provided by law in addition to the annual salary provided herein.

(3) The salary for the official court reporter, payable out of the state treasury, shall be as follows:

(a) In judicial *circuits* [districts] containing a population of less than 30,000 the sum of $6,600 per annum;

(b) In judicial *circuits* [districts] containing a population of at least 30,000 but less than 40,000 the sum of $7,500 per annum;

(c) In judicial *circuits* [districts] containing a population of 40,000 or more, the sum of $8,400 per annum;

(d) In addition to the salary schedule set forth in this section, the official court reporter may serve as secretary to the circuit judge and receive additional compensation as provided in this section.

(4) Each circuit judge may employ a secretary. The secretary shall be appointed by and shall hold office at the pleasure of the judge. The salary for the secretary, payable out of the state treasury, shall be commensurate with the secretary's education, training, and experience based upon the guidelines established by the classification and compensation plan for comparable positions maintained by the state department of personnel pursuant to KRS 64.640.

(5) The circuit judge in a judicial *circuit* [district] with two or more judges, and the circuit judge in a one-judge, single county judicial *circuit* [district] may elect to employ his official court reporter as his secretary. If the judge so elects, the court reporter/secretary shall be paid an annual salary of the applicable amount payable under the salary schedule for court reporters established by KRS 32.010 to 32.070 plus an additional sum of not to exceed fifty per cent (50%) of that salary. If the judge elects the court reporter/secretary plan under this subsection, the court reporter/secretary shall devote full time to her duties as such and shall not be permitted to engage in any other professional activities as a court reporter or court stenographer. The positions of court reporter and secretary shall not be so merged in judicial *circuit* [districts] containing two or more counties.

Section 47. KRS 32.040 is amended to read as follows:

(1) The commonwealth's attorney in each judicial *circuit* [district] may appoint such assistant commonwealth's attorneys, secretaries, and *circuit* [district] detectives as provided herein. Individuals appointed pursuant to KRS 32.010 to 32.070 shall serve at the pleasure of the Commonwealth's attorney.

(2) The commonwealth's attorney in a judicial *circuit* [district] containing a population of 500,000 or more may appoint ten full-time assistant commonwealth's attorneys. The commonwealth's attorney in a judicial *circuit* [district] containing a population of 150,000 or more, but less than 500,000, may appoint three full-time assistant commonwealth's attorneys. The commonwealth's attorney in a judicial *circuit* [district] containing a population of 100,000 or more, but less than 150,000, may appoint two full-time assistant commonwealth's attorneys.

(3) The Commonwealth's attorney in each judicial *circuit* [district] with two circuit judges may appoint one full-time and one part-time assistant commonwealth's attorney.

(4) In all other judicial *circuit* [districts], the Commonwealth's attorney may appoint one part-time assistant commonwealth's attorney upon certification by the attorney general of demonstrable need.

(5) The compensation for full-time assistant commonwealth's attorneys, payable out of the state treasury, shall be not more than $24,000 per annum. The compensation for part-time assistant commonwealth's attorneys, payable out of the state treasury, shall be not more than $10,000 per annum.

(6) All assistant commonwealth's attorneys shall be licensed practicing attorneys. The full-time assistant commonwealth's attorneys shall not be permitted to engage in the private practice of law.

(7) The office of commonwealth's attorney in each judicial *circuit* [district] which has at least one full-time assistant commonwealth's attorney may receive from the state treasury an additional $1,800 per year for necessary expenses incurred in the discharge of the duties of the office. Claims for such expenses shall be submitted and approved in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the commonwealth.

(8) The commonwealth's attorney in a judicial *circuit* [district] containing a population of 500,000 or more may appoint seven full-time secretaries. The commonwealth's attorney in a judicial *circuit* [district] containing a population of 150,000 or more, but less than 500,000, may appoint three full-time secretaries. The commonwealth's attorney in a judicial *circuit* [district] containing a population of 100,000 or more, but less than 150,000, may appoint two full-time secretaries. The commonwealth's attorney in each judicial *circuit* [district] with two circuit judges may appoint one full-time secretary. In all other judicial *circuit* [districts], the office of commonwealth's attorney shall receive an allowance of $3,000 per annum to be applied to the cost of providing secretarial services for the office of the commonwealth's attorney.

(9) The salary, payable from the state treasury, for a secretary appointed under subsection (8) shall be commensurate with the secretary's education, training, and experience based upon the guidelines established by the classification and compensation plan for comparable positions maintained by the state department of personnel pursuant to KRS 64.640.

(10) The commonwealth's attorney in a judicial *circuit* [district] containing a population of 500,000 or more may appoint six full-time *circuit* [district] detectives. The commonwealth's attorney in a judicial *circuit* [district] containing a population of 125,000 or more, but less than 500,000, may appoint four full-time *circuit* [district] detectives. The Commonwealth's attorney in all other judicial *circuits* [districts] may appoint one full-time *circuit* [district] detective. The commonwealth's attorney in a judicial *circuit* [district] consisting of a single county with two circuit judges may appoint one additional full-time detective if the population in the *circuit* [district] exceeds 50,000.

(11) Each *circuit* [district] detective shall be experienced in investigation or law enforcement and shall have the same powers as peace officers. The salary for *circuit* [district] detectives, payable from the state treasury, shall be commensurate with the *circuit* [district] detective's education, training, and experience and based upon guidelines established by the classification and compensation plan for comparable positions maintained by the state department of personnel pursuant to KRS 64.640.

(12) The office of commonwealth's attorney in each judicial *circuit* [district] that has at least one full-time *circuit* [district] detective shall receive from the state treasury an additional $1,800 per year for necessary expenses incurred by the *circuit* [district] detective in the discharge of the duties of the office. Claims for such

expenses shall be submitted and approved in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the commonwealth.

(13) The fiscal court in the county or counties that comprise the judicial *circuit* [district] shall be responsible for providing the office of commonwealth's attorney with an adequate grand jury room, witness rooms, and telephone service.

Section 48. KRS 37.240 is amended to read as follows:

The governor is hereby authorized to call and to assign any part of the Kentucky active militia to active service for the purpose of resisting invasion, suppressing rebellions, insurrections, riots or threats thereof; to suppress any active, unlawful or threatened violence to persons or property in this state; to authorize the arrest of all persons engaged in aiding or abetting therein; to investigate any acts of treason, sabotage or attempted sabotage and to cause the arrest of such persons engaged therein for aiding and abetting; to protect life and property in the event of any emergency or disaster. The governor may by his order prescribe the duty to be performed by the troops thus called into active field service. The governor may direct the commanding officer of such military forces thus ordered into service to report to any of the following named civil officers of the *judicial circuit* [district], county, city or town: circuit judge, sheriff, county judge or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the object shall be left solely to the officers of the Kentucky active militia. Troops shall not be relieved from active field service except by order of the governor.

Section 49. KRS 38.030 is amended to read as follows:

(1) Units of the Kentucky National Guard may be ordered into active state service only by the governor. Individual officers, warrant officers, and enlisted personnel may be ordered into active state service by order of the governor. The governor may direct the commanding officer of the troops ordered into active state service for the purpose of resisting invasion, suppressing rebellions, insurrections, riots or threats thereof; suppressing any active, unlawful or threatened violence to persons or property in this state; authorizing the arrest of all persons engaged in aiding or abetting therein; investigating any acts of treason, sabotage or attempted sabotage and to cause the arrest of such persons engaged therein or aiding and abetting; and/or protecting life and property in the event of the emergency or disaster. The governor may by his order prescribe the duty to be performed by the troops thus called into active field service.

(2) The governor may direct the commanding officer of such military forces thus ordered into service to report to any of the following named civil officers of the *judicial circuit* [district], county, city or town: circuit judge, sheriff, county judge or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the object shall be left solely to the officers of the national guard.

(3) Troops shall not be relieved from active field service except by order of the governor.

Section 50. KRS 39.412 is amended to read as follows:

(1) The owner of property seized, taken or condemned may appeal from the award of the board of claims to the circuit court of the county wherein he resides if the amount in controversy, exclusive of interest and costs, is over twenty-five dollars ($25.00) or to the quarterly court of the county wherein he resides in other cases. The Rules of Civil Procedure shall, so far as applicable, govern the procedure on appeal but the action shall be tried according to the practice prescribed for the trial of jury cases.

(2) An appeal from the judgment may be taken to the Court of Appeals [as in other cases subject to the provisions of KRS 21.060, 21.070 and 21.080].

Section 51. KRS 44.020 is amended to read as follows:

(1) Within twenty (20) days after the termination of each session *of any court* of the Court of *Justice* [Appeals, and of each circuit court] and each county court, the clerk of the court shall make out and certify an alphabetical list of all claims payable out of the state treasury that have been allowed by the court, and transmit the list to the executive department for finance and administration, and no warrant for any claims requiring the approval of a court shall be issued until the list has been received by the executive department for finance and administration. The alphabetical list of claims shall serve as a certified copy of orders of allowance by the court for each and every claim listed thereon, and notwithstanding any statutory provision to the contrary, a copy of the order of allowance shall not be required for any claim listed thereon before payment may be made unless deemed necessary by the executive department for finance and administration. The executive department for finance and administration shall keep a separate record of all claims allowed in each county, noting the number and amount of each warrant issued for the payment of such claims.

(2) The order of any court authorized by law to approve and allow fee-bills, settlements, credits, charges and other claims against the state treasury shall not be treated as a judgment, or made conclusive against the

state, but shall only be regarded as prima facie evidence of the correctness and legality of the fee-bill, settlement, credit, charge or claim. The executive department for finance and administration, if it believes such fee-bill, settlement, credit, charge or claim to be fraudulent, erroneous or illegal, may, upon the advice of the attorney general, refuse to pay and may contest the claim in the Franklin Circuit Court, which shall have exclusive jurisdiction of all actions against the executive department for finance and administration to compel the payment of claims against the state treasury.

Section 52. KRS 56.463 is amended to read as follows:

The department shall have the power and duty:

(1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects.

(2) To purchase or otherwise acquire all real property determined to be needed for state use and upon the approval of the commissioner of the executive department for finance and administration as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS chapters 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45.360.

(3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the commissioner of the executive department for finance and administration. All such sales or other disposition shall be made in accordance with KRS 45.360.

(4) (a) To control the use of any real property owned or otherwise held by the commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real property during periods that the department finds the same is not required for the purposes of any particular state agency.

(b) To determine the housing and furnishing needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. The department is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort, exclusive of the third and fourth floors of the new state capitol, according to the needs of the various agencies and when necessary to provide additional office space and furnishings in Frankfort under any building program the department deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the general assembly and its related agencies, including the legislative research commission, and its subcommittees, the executive offices, the *Supreme* Court [of Appeals] and the clerk of the *Supreme* Court [of Appeals], the department of law and the law library, in the new state capitol, provided the general assembly and the legislative research commission shall have complete control and exclusive use of the third and fourth floors of the new state capitol. If there be any additional space in the capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the capitol.

(5) To acquire, by condemnation in any manner provided in KRS chapter 416, or KRS 177.081 to 177.089, any real estate necessary for use by the state or by any state agency, when the department is unable to agree with the owner thereof on a price for such real estate.

(6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45.360.

(7) To provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make such changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the functions of the commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550.

(8) To adopt such rules and regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

Section 53. KRS 57.300 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the acts of the general assembly, as they are published: members of the general assembly that passed the acts, the governor, the state treasurer, secretary of state, auditor of public accounts, *justices and* judges [and commissioners] of the Court of *Justice* [Appeals, circuit judges], commonwealth's attorneys, county attorneys, and county judges, one (1) copy each; the attorney general, four (4) copies; the legislative research commission, for the use of the senate, ten (10) copies, and for the use of the house of representatives, thirty (30) copies; the state law library, six (6) copies; the judge of each federal court for Kentucky, one (1) copy; the United States Court of Appeals at

Cincinnati, one (1) copy; the Supreme Court of the United States, three (3) copies; the secretary of state for the United States, two (2) copies; the law library of each county, two (2) copies; the law library of the University of Kentucky, three (3) copies; the law library of the University of Louisville, two (2) copies; the Library of Congress, seven (7) copies; the Kentucky Historical Society, two (2) copies; and each of the state universities in Kentucky and Kentucky State *University* [College], two (2) copies.

Section 54. KRS 57.350 is amended to read as follows:

If any county courthouse containing the law library is destroyed by fire, the legislative research commission shall, upon receipt of the affidavit of the county judge showing the loss, furnish to the county acts of the general assembly and journals of the house of representatives and senate, and the state law librarian shall furnish bound volumes of the opinions of the Court of *Justice* [Appeals], if available.

Section 55. KRS 61.020 is amended to read as follows:

The following officers shall have commissions issued to them by the governor: secretary of state, auditor of public accounts, treasurer, commissioner of agriculture, superintendent of public instruction, *justices of the Supreme Court, clerk of the Supreme Court,* judges of the Court of Appeals, clerk of the Court of Appeals, railroad commissioners, judges of the circuit courts, *district judges,* county judges, police judges, commonwealth's attorneys, justices of the peace, and all the officers of the militia of rank and grade higher than and including the rank and grade of captain.

Section 56. KRS 61.130 is amended to read as follows:

The county judge shall, by an order entered of record, enforce the provisions of KRS 61.120 as against county attorneys, and the fiscal court shall enforce its provisions as against the county judge. The circuit judge shall enforce its provisions as against the commonwealth's attorney in his *judicial circuit* [district], by an order entered of record, a copy of which shall, as soon as entered, be sent by the clerk of the court to the executive department for finance and administration.

Section 57. KRS 61.710 is amended to read as follows:

(1) KRS 61.710 to 61.780 apply to members of the General Assembly, officials elected statewide, *justices and judges of the Court of Justice,* [judges of the Court of Appeals, circuit judges,] commonwealth's attorneys and all candidates for all those offices, department heads appointed under KRS 12.040, deputy department heads and directors of divisions appointed under KRS 12.050, and members of administrative boards and commissions appointed under KRS 12.070. KRS 61.710 to 61.780 also apply to a person appointed to a vacancy in an unexpired term of any office mentioned above.

(2) KRS 61.710 to 61.780 also apply to:

(a) Any employe of a daily newspaper of 50,000 or more circulation published in Kentucky who either orally, or in writing contributes to the editorial policy of the newspaper; and

(b) Any employe of a radio or television station that is owned in common with a newspaper described above who directly or indirectly contributes to the editorial policy of the station.

Section 58. KRS 63.120 is amended to read as follows:

(1) Any peace officer removed from office under the provisions of KRS 63.110 may, within ten (10) days from the date of the entry of the order removing him, appeal to the Court of Appeals by obtaining from the secretary of state a certified copy of all charges, findings of fact and orders entered in the proceedings against him and filing them with the clerk of the Court of Appeals, and entering a motion before the clerk for an appeal. The motion shall set forth the alleged errors of fact and law committed by the governor. No response shall be filed to the motion. The governor shall be made appellee in the appeal, and notice thereof shall be served upon the governor immediately after the motion is filed with the clerk. If the governor is out of his office or away from the seat of government, the notice shall be served on the attorney general or one (1) of the assistants in his office. The secretary of state shall, after the appeal has been filed, immediately deliver the original record to the clerk of the Court of Appeals, and append thereto a certificate showing that it is the entire record in the case on file.

(2) [The case shall stand for immediate hearing in the Court of Appeals, and shall have precedence over all other cases. If the court is in vacation, the clerk shall notify the chief justice of the appeal, and the chief justice shall either continue the appeal until court convenes in regular session or call in a quorum of the court and hear the appeal.] The judgment of the court shall be final and shall be certified to the secretary of state. If the order of removal entered by the governor is affirmed it shall become effective immediately and the office held by the peace officer shall be deemed vacant.

(3) The original papers in the case shall be returned to the secretary of state after the case has been disposed of in the Court of Appeals.

Section 59. KRS 63.180 is amended to read as follows:

(1) Any person serving as a nonelective peace officer or deputy peace officer in violation of the provisions of KRS 61.300 shall be subject to removal. The circuit court of the county in which such person is serving and the circuit court of Franklin County shall have concurrent jurisdiction of all proceedings for the removal of any such person. The proceedings shall be in equity and the procedure shall be as set forth in subsections (2), (3) and (4) of this section.

(2) The commonwealth's attorney of the judicial *circuit* [district] or the county attorney of the county in which such person is serving, the attorney general, or any three (3) or more citizens of said county may file a petition in equity setting forth the facts constituting a violation of the provisions of KRS 61.300. If instituted by the commonwealth's attorney, county attorney or attorney general, the proceeding shall be in the name of the commonwealth, and if instituted by three (3) or more citizens, it shall be in the name of such citizens as plaintiffs. A copy of the petition shall be served upon the person complained against, who shall have ten (10) days in which to answer.

(3) Thereafter the proceeding shall be heard and determined by the court, either in term or in vacation, as a proceeding in equity. The court or the judge thereof in vacation shall render a final judgment within sixty (60) days from the date the petition is filed, unless the court or judge, for good cause shown, extends the time for the final hearing, but in no case shall it be extended beyond ninety (90) days from the date the petition is filed.

(4) If it appears upon final hearing that any nonelective peace officer or deputy peace officer is disqualified under the provisions of KRS 61.300, the court shall enter a judgment forthwith removing the officer from office.

Section 60. KRS 63.220 is amended to read as follows:

(1) A vacancy in the office of sheriff, coroner, surveyor, county clerk, county attorney, jailer, constable or property valuation administrator, shall be filled by the county court.

(2) A vacancy in the office of circuit clerk shall be filled by the circuit judge of the *judicial circuit* [district].

(3) Appointments to fill vacancies under this section shall be until the successor is elected, as provided in section 152 of the constitution, and qualified.

Section 61. KRS 64.500 is amended to read as follows:

The fiscal court of any one or more counties located in any judicial *circuit* [district] may allow and pay to the judge or judges of the circuit court of the *judicial circuit* [district] such annual sum as will reimburse the judge or judges for such incidental and office expenses incurred in discharging the duties of the office, including, but not limited to, office rental, lights and heat, automobile expenses not reimbursable under KRS 64.505, stenographic services, postage, telephone service, supplies, stationery, books and periodicals, as the fiscal court deems just and proper. Two (2) or more counties in the same district may prorate or divide any allowance for such expenses.

Section 62. KRS 64.505 is amended to read as follows:

Effective July 1, 1956, each regular circuit judge, having a *judicial* circuit [court district] composed of more than one (1) county, shall be allowed his actual expenses incurred in discharging the duties of his office in those counties in his *circuit* [district] other than the county of his residence, to the same extent that officers and employes of the state are allowed expenses under the provisions of KRS 45.180. Claims for such expenses shall be submitted to the executive department for finance and administration in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the commonwealth and shall be approved by the *Chief Justice of the Supreme Court or his designee* [administrative director appointed pursuant to the provisions of KRS 22.110].

Section 63. KRS 64.518 is amended to read as follows:

(1) In counties having a population of 200,000 or more:

(a) The first and second assistant commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $5,000. One (1) assistant commonwealth's attorney shall receive an annual salary of not less than $4,000 and other assistant commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $4,800. The salaries in this subsection shall be fixed by the fiscal court in the county and none shall exceed the total compensation of the commonwealth's attorney.

(b) The stenographers appointed under KRS 69.100 shall each receive an annual salary of not less than $2,700. The stenographer appointed to perform the duties of record clerk shall receive an annual salary of not less than $3,600.

(2) The salaries described in subsection (1) of this section shall be paid in equal monthly instalments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(3) In judicial *circuits* [districts] composed of one (1) county containing a city of the second class and having a population of less than 200,000, the assistant commonwealth's attorney shall receive an annual salary of not less than $4,000 nor more than $6,000 to be fixed by the fiscal court and paid out of the county levy in equal monthly instalments.

Section 64. KRS 64.520 is amended to read as follows:

(1) In any judicial *circuit* [district] composed of only one (1) county, the assistant commonwealth's attorney and the stenographers and *circuit* [district] detectives for the commonwealth's attorney, provided for by law, shall receive such compensation, payable out of the county treasury, as is fixed by the fiscal court, subject to KRS 64.518 and 64.525.

(2) In any judicial *circuit* [district] composed of more than one (1) county, for which an assistant commonwealth's attorney, stenographer or *circuit* [district] detective for the commonwealth's attorney is provided for by law, the fiscal courts of the several counties shall, by joint action, exercise the powers conferred by this section upon the fiscal courts of single county *circuits* [districts] with respect to fixing compensation, and such compensation shall be paid out of the county treasuries of the respective counties in proportion to the amount of work attributable to each county, the proportion being certified by the commonwealth's attorney.

Section 65. KRS 64.525 is amended to read as follows:

(1) In counties having a population of 125,000 or more, the *circuit* [district] detectives appointed under KRS 69.110 shall each receive an annual salary of not less than $6,000.

(2) In counties containing a city of the second class, the *circuit* [district] detective appointed under KRS 69.110 shall receive an annual salary of not less than $7,200 nor more than $9,600.

(3) In counties containing a population of 40,000 or more but not containing a city of the second class, the *circuit* [district] detective appointed under KRS 69.110 shall receive an annual salary of not less than $5,000.

(4) The salaries described in subsections (1) to (3) of this section shall be paid in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(5) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the *circuit* [district] detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

Section 66. KRS 66.310 is amended to read as follows:

(1) No county may contract an indebtedness which, together with all other indebtedness of the county, is in excess of one-half of one per cent (.5%) of the value of the taxable property therein, as determined by the next preceding complete assessment, and issue valid bonds therefor, without having first secured the written approval of the state local finance officer. Any other bonds to be issued or reissued by any county may be submitted for approval as hereinafter provided. When the fiscal court of any county has petitioned the state local finance officer under KRS 66.320 for assistance in formulating a plan for reorganizing its debt structure, or has received the approval of any issue or reissue of county bonds voluntarily as provided in this section, all bonds thereafter issued or reissued by the county must be approved as provided in this section.

(2) Without the approval of the state local finance officer a county may not lease, as lessee, a building or public facility that has been or is to be financed at the county's request or on its behalf through the issuance of bonds by another public body or by a nonprofit corporation serving as an agency and instrumentality of the county for that purpose, unless such bonds if issued by the county itself as its own general obligations, would be exempt under the provisions of subsection (1). If such approval is required, the state local finance officer shall hold a hearing for the purpose of considering the terms of the lease upon the same basis as is provided under subsection (3), and interested parties shall have the same right of appeal as is therein provided. This subsection does not apply to leases entered into before July 1, 1964, nor to renewals thereafter of leases entered into before that date, nor to bonds referred to in this subsection if the same shall have been sold prior to that date, whether or not actually delivered to the purchaser or purchasers thereof before that date.

(3) The state local finance officer shall hold a hearing for the purpose of determining whether any issue or reissue of bonds submitted to him for approval should be approved or disapproved. The state local finance officer shall withhold his approval if he believes the financial condition and prospects of the county do not warrant a reasonable expectation that interest and principal maturities can be met when due without seriously restricting other expenditures of the county; if, in his discretion, the issue or reissue of bonds will not serve the

best interests of both the county issuing same and a majority of its creditors; or if it appears that the bonds or the issuance thereof will be invalid. If the state local finance officer is petitioned by any county to approve the isssuance of bonds to refund outstanding county bonds, and if the state local finance officer is unable to find that the bonds sought to be refunded were in their entirety validly issued, he shall nevertheless find that bonds may be issued validly for the purpose of refunding the bonds, in equivalent or lesser par principal amount, provided that the interest rate to be borne by the refunding bonds shall be such as to make possible their liquidation within their life at no greater average annual cost to the county than would be required to liquidate, within the same number of years, the portion of the outstanding indebtedness found to be valid at the interest rate borne by it before refunding.

(4) The state local finance officer shall give at least two (2) weeks' notice of the hearing herein above required to the county judge of the county proposing to issue such bonds, and the county judge shall cause a copy of said notice to be published pursuant to KRS chapter 424. In the case of bonds proposed to be issued for the purpose of refunding currently outstanding bonds, the state local finance officer shall in addition cause a notice of the hearing to be published pursuant to KRS chapter 424 and at least ten (10) days, exclusive of Sundays and holidays, prior to the date set for the hearing in a financial newspaper or periodical having general circulation among bondholders and bond dealers and said notice shall be paid for by the executive department for finance and administration out of its appropriation. Any party having a material interest shall have an opportunity to be heard and to present evidence. The state local finance officer shall make a record of the proceedings of such hearing and shall prepare a written decision approving or disapproving the issuance of the proposed bonds. Any interested party or taxpayer may within fifteen (15) days, exclusive of Sundays and holidays, appeal to the commission from the decision of the state local finance officer. The commission, upon the basis of the record prepared by the state local finance officer, and of any additional evidence which may be introduced, shall pass upon the decision of the state local finance officer.

(5) Within thirty (30) days, exclusive of Sundays and holidays, after a decision by the commission any interested party or taxpayer of the county, upon filing bond for costs, may appeal to the Franklin Circuit Court or, in the case only of bonds proposed to be issued for the purpose of funding floating indebtedness, to either the Franklin Circuit Court or to the circuit court of the county proposing to issue said bonds. Appeal shall be taken by filing with the clerk of the court a copy of the record of the proceedings and decision of the state local finance officer and the decision of the commission. The commission, the fiscal court, the taxpayers of the county, and, in the case of funding or refunding bonds, the creditors whose claims or bonds are proposed to be funded or refunded, shall be made parties to the appeal. Summons shall be served and class representatives designated as provided in the Rules of Civil Procedure. To facilitate adjudication the state local finance officer is hereby required, on payment of a reasonable fee therefor to be fixed by the state local finance officer, to supply a certified copy of such records to any party. The case shall be advanced on the docket of the circuit court and shall be heard and decided as in the case of a declaratory judgment, except that all findings of fact of the state local finance officer and of the commission shall be final if supported by any substantial evidence, provided, however, that in the case only where the question of the validity of the indebtedness proposed to be funded or refunded is in issue, additional evidence relating to the validity of such indebtedness may be presented.

(6) An appeal may be taken from the circuit court to the Court of Appeals in the manner provided in the Rules of Civil Procedure. [The appeal may be advanced for immediate hearing and submission.]

(7) In case no appeal is taken from the approval of a bond issue by the state local finance officer or the commission as provided in this section, said decision as to the legality of such bonds shall be res adjudicata in any subsequent case or cases raising such question of legality. When bonds are approved as provided in this section, they shall not be required to be approved as provided in KRS 66.210 and 66.220.

(8) Record of the approval of bonds as provided in this section shall be made in the minutes of the next meeting of the fiscal court of the county issuing the bonds so approved, and copies of all decisions of the state local finance officer and of the commission shall be filed with the secretary of state.

Section 67. KRS 67.280 is amended to read as follows:

Where the two (2) old counties were in the same representative, senatorial, *judicial* circuit [court, judicial], congressional, or railroad commissioner district or districts, the new county shall remain in the same district or districts. Where the two (2) old counties were not in the same district or districts, the new county shall be placed in the following district or districts: In the representative, senatorial, *judicial* circuit [court, judicial], congressional, or railroad commissioner district or districts, respectively, in which the old county, having the largest population, was located; Provided, That if each of the two (2) old counties was a separate district the new county shall be divided into two (2) such districts, each district to be coterminous with the boundary lines of the old counties; Provided further, That if any of the election districts formed under the provisions of KRS 67.190 to 67.270 as a result of county consolidation are in violation of the requirements of the constitution, such consolidation shall not be effective unless the general assembly, at its first session after the consolidation, shall redistrict the state in compliance with the provisions of the constitution.

Section 68. KRS 69.010 is amended to read as follows:

The commonwealth's attorney shall attend each circuit court held in his *judicial circuit* [district], and prosecute all violations of the criminal and penal laws therein. He shall, except in Franklin County, attend to all civil cases and proceedings in which the commonwealth is interested in the circuit courts of his *judicial circuit* [district]. In civil cases the governor may employ counsel to assist the commonwealth's attorney. The fees of the counsel employed by the governor shall be paid out of the state treasury upon a voucher signed by the governor.

Section 69. KRS 69.013 is amended to read as follows:

Each regular commonwealth's attorney shall be, ex officio, a special prosecutor of the commonwealth, and as such shall perform such duties and render such services, at such time and places, coextensive with the commonwealth as may be required by the attorney general. The duties and services may include, but are not limited to, prosecution of or participation in action outside of his judicial *circuit* [district] when directed by the attorney general and assisting the attorney general in preparation and presentation of the commonwealth's position in criminal cases appealed to the Court of Appeals.

Section 70. KRS 69.015 is amended to read as follows:

Upon certification by the commonwealth's attorney to the attorney general and for good cause shown that he as the regular elected commonwealth's attorney, and his assistant or assistants, if any, should not participate in a particular prosecution arising in his judicial *circuit* [district], the attorney general may direct another commonwealth's attorney as a special prosecutor for the commonwealth to prosecute the action. Nothing in this section shall prohibit the appointment of a commonwealth's attorney pro tem, as provided in KRS 69.060, where applicable.

Section 71. KRS 69.095 is amended to read as follows:

(1) In any judicial *circuit* [district] composed of only one (1) county containing a city of the second class, and having a population of less than 200,000, the commonwealth's attorney may appoint an assistant commonwealth's attorney for a term of four (4) years subject to removal at any time by the commonwealth's attorney. He shall receive an annual salary of not less than $4,000, nor more than $6,000, to be fixed by the fiscal court and paid out of the county levy in equal monthly instalments.

(2) The qualifications and duties of such assistant commonwealth's attorney shall be the same as those set forth in KRS 69.080.

Section 72. KRS 69.097 is amended to read as follows:

The commonwealth's attorney in any *judicial circuit* [district] with more than one judge, with the exception of *circuits* [districts] containing a city of the first class, regardless of the class of city contained therein may appoint with approval of fiscal court one additional assistant commonwealth's attorney and one additional *circuit* [district] detective and with approval of fiscal court may compensate them in the same manner as those now holding the same appointments.

Section 73. KRS 69.105 is amended to read as follows:

In counties containing a city of the second class, the commonwealth's attorney may appoint a stenographer for a term of four (4) years, subject to removal at any time by the commonwealth's attorney. The stenographer shall do stenographic work for the commonwealth's attorney and perform such other duties assigned to him by the commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer may receive an annual salary to be fixed and paid by the fiscal court out of the county levy in equal monthly instalments. In judicial *circuits* [districts] which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

Section 74. KRS 69.110 is amended to read as follows:

(1) In counties having a population of 150,000 or more the commonwealth's attorney shall appoint seven (7) *circuit* [district] detectives for a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(2) In counties having a population of 125,000 or more the commonwealth's attorney may appoint four (4) *circuit* [district] detectives for a term of four (4) years subject to removal at any time by the commonwealth's attorney, subject to the approval of the fiscal court.

(3) In counties containing a city of the second class the commonwealth's attorney shall appoint a *circuit* [district] detective for a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(4) The detectives appointed pursuant to this section shall have the same power of arrest and right to execute process as sheriffs have. They shall assist the commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

(5) In counties containing a population of 40,000 or more persons but not containing a city of the second class, the commonwealth's attorney may, if the fiscal court concurs therein, appoint a *circuit* [district] detective having a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(6) In districts composed of three (3) or more counties and containing a city of the third class, the commonwealth's attorney may appoint a *circuit* [district] detective having a term of four (4) years subject to removal at any time by the commonwealth's attorney. Such district detective may receive an annual salary not to exceed $7,500, to be paid by the fiscal courts of the *judicial circuit* [district] in such manner as they may agree.

(7) In all districts not covered by subsections (1) to (6) above, the commonwealth's attorney may appoint one *circuit* [district] detective subject to the same salary and tenure provisions as subsection (6) above.

Section 75. KRS 69.460 is amended to read as follows:

In cities of the second class, except those operating under the commission or city manager form of government, the mayor shall appoint a city solicitor, who shall be a regular practicing attorney. The city solicitor shall, in person or by his assistant, or by the city attorney, appear for the city and attend to all cases in the *Court of Justice* [circuit court and Court of Appeals] wherein the city is a party in interest. He shall advise the city officials and the legislative body, and when requested shall attend in person or by his assistant, or by the city attorney, the meetings of both boards of the legislative body, or of any committee thereof. He shall supervise the preparation of all ordinances, and all contracts to which the city is a party, and shall attend to any other legal business prescribed by the mayor or by ordinance. He may appoint an assistant and a stenographer, who shall perform the duties he prescribes. The legislative body shall fix the salary of the city solicitor at not less than $3,000 per annum, the salary of the assistant city solicitor at not less than $1,800 per annum, and the salary of the stenographer to the city solicitor at not less than $1,200 per annum. The city solicitor may engage in the private practice of law and receive compensation therefor, but he shall not accept private legal employment that is inconsistent with the interests of the city.

Section 76. KRS 73.020 is amended to read as follows:

The county surveyor, before he enters on the duties of his office, shall file with the county clerk a certificate from some college, or from the circuit judge of the *judicial circuit* [district] of which the county is a part, that he is competent to perform the duties of the county surveyor's office.

Section 77. KRS 75.010 is amended to read as follows:

(1) A petition for the establishment of a fire protection district or a volunteer fire department district signed by at least fifty-one per cent (51%) of the voters, as determined by the registration books covering the territory, and living within the boundary of the proposed fire protection district or volunteer fire department district may be filed in the circuit court clerk's office of the county in which the greater part of the territory is located, not less than twenty (20) days before the commencement of the next regular term of court, and in courts of continuous sessions not less than twenty (20) days before the first day of the next calendar month. The petition shall set out the metes and bounds of the proposed fire protection district or volunteer fire department district, the number of voters thereof, and other facts thought proper. Notice of the filing of the petition and the object thereof shall be given by publication pursuant to KRS chapter 424, and by notices posted for at least ten (10) days before the commencement of the court, one (1) at the courthouse door, and three (3) others at public places within the bounds of the proposed fire protection district or volunteer fire department district. On the second day of the term, and in courts of continuous session on the day provided for in the notice, the court shall, if the proper notice has been given and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a fire protection district or a volunteer fire department district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed fire protection district or a volunteer fire department district, or any person owning property therein, and if defense, objection or remonstrance is made, the court shall hear and determine the same, and render a judgment establishing, or refusing to establish the fire protection district or volunteer fire department district as may seem proper. The pleadings and practice as herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. [The appeal shall be advanced upon the docket.]

(2) In no event shall any fire protection district or any volunteer fire department district include within its metes and bounds any territory at that time or thereafter included in any city of this commonwealth which maintains a "regular fire department," and which city has paid its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 78. KRS 75.020 is amended to read as follows:

(1) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department districts shall file a petition in the circuit court clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, not less than thirty (30) days before the next regular term of said court and in courts of continuous session not less than thirty (30) days before the first day of a succeeding calendar month, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in KRS 75.010. On the second day of the term, and in courts of continuous session on the day fixed in the notice, the court shall, if the proper notice has been given, and the publication made, and no written defense, objection or remonstrance is interposed enter a judgment annexing or striking off the territory described in the petition. Fifty-one per cent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the next regular term of said court, and courts of continuous session at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed said clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the court shall promptly set the case for a hearing. If upon such hearing, the court finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. The pleadings and practice herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. [Such appeal shall be advanced upon the docket.]

(2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on purchase price of fire fighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the court under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.

(3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, may assume the liability of such taxes as may be necessary to pay the proportional share of the indebtedness incurred while such territory was a part of said district.

Section 79. KRS 76.175 is amended to read as follows:

The board of the district may annex any unincorporated area in the county, or any area of the county containing all or any part of a city of the fifth or sixth class, whether contiguous or noncontiguous, to the district by making a preliminary order describing the area to be annexed and causing said order to be published pursuant to KRS chapter 424. The notice so published shall state that objections in writing to the proposed annexation may be filed with the district within thirty (30) days of the date of said notice. The district shall examine and hear all such complaints. It may modify or amend the areas proposed to be annexed; and it shall make a final order, within sixty (60) days of the date of publication of said notice, describing the area or areas to be annexed and shall cause the same to be published pursuant to KRS chapter 424. Within sixty (60) days after final publication of an order made pursuant to this section, any freeholder of land within the area or areas proposed to be annexed may appeal such final order to the circuit court for the county in which the district is located. All matters appealed shall be tried as an equitable action. Decisions of the circuit court may be appealed to the Court of Appeals [and such appeals shall be advanced on the appellate court's docket].

Section 80. KRS 76.247 is amended to read as follows:

Within sixty (60) days after the final publication of an order made under KRS 76.241 which dismisses a petition for creation of a construction subdistrict or within sixty (60) days after final publication of an order made under KRS 76.246 any person who would have been qualified to sign a petition described in KRS 76.241 may appeal such order of the district to the circuit court for the county in which the district is located. All matters appealed from shall be tried de novo and as an equitable action. Decisions of the circuit court may be appealed to the Court of Appeals [, and such appeals shall be advanced on the appellate court's docket].

Section 81. KRS 77.305 is amended to read as follows:

(1) Any person, being a party of record at such hearing, deeming himself aggrieved, including the air pollution control district, may maintain a special proceeding in equity in the circuit court of the county in which the district is located, to determine the reasonableness and legality of any action of the hearing board. Such special proceeding shall be entitled to priority on the docket of said equity court.

(2) Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved. Jurisdiction is hereby given such circuit court to determine all questions and issues properly brought before it on such appeal.

(3) Appeals may be taken from the judgment of said circuit court to the Court of Appeals of Kentucky. [All such appeals shall be entitled to priority on the docket of the Court of Appeals.]

Section 82. KRS 81.140 is amended to read as follows:

Any city of the second class may annex any unincorporated territory or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) The ordinance proposing annexation or reduction must be adopted by two-thirds (2/3) vote of the governing body of the city.

(2) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(3) The number of freeholders whose remonstrance will control the question of annexation or reduction shall be fifty per cent (50%). No freeholder of the territory to be annexed or stricken off shall be considered to have remonstrated unless said freeholder be joined as a party plaintiff in the proceedings in the circuit court within ninety (90) days after the enactment of the ordinance proposing to annex or to strike off such territory.

(4) The circuit court may find and decree that only a part or parts of the territory proposed to be annexed shall be annexed, in which event the court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the court finds should be annexed, and that part only shall be annexed.

[(5) The Court of Appeals shall advance said case on its docket and it shall take precedence over other cases.]

Section 83. KRS 84.140 is amended to read as follows:

The validity of ordinances of cities of the second class may be tried by writ of prohibition from the circuit court, with right of appeal to the Court of Appeals. [The circuit court shall give such cases precedence of all other cases.]

Section 84. KRS 96A.040 is amended to read as follows:

(1) The business, activities and affairs of a transit authority shall be managed, controlled and conducted by a board consisting of members appointed as follows:

(a) If the authority is established by one (1) city alone, or by a county alone, the members shall be eight (8) in number and shall be appointed by the appointing authority of such city or county;

(b) If the authority is established by joint proceedings of two (2) public bodies, the membership shall be eight (8) in number, four (4) of whom shall be appointed by the appointing authority of each of such public bodies;

(c) If an authority is created and established by joint proceedings of more than two (2) public bodies, the membership shall be eight (8) in number, plus one (1) additional member for each participating public body in excess of two (2), and the members thereof shall be appointed by the appointing authorities of the participating public bodies in such manner as may be set forth in the joint proceedings;

(d) If an authority is created and established, and subsequently one or more other public bodies are permitted to join therein, the membership of the board may be enlarged, with the concurrence and approval of the governing bodies of the public bodies theretofore participating, by not more than one (1) additional member for each additional public body so permitted to join the authority.

(2) No officer or employe of any public body represented in the creation, establishment, or enlargement of an authority shall be eligible for appointment to the board.

(3) After the effective date of the creation of an authority as provided in this chapter, the appointing authority or the appointing authorities, as the case may be, shall, in such manner as may be specified in the proceedings or joint proceedings, appoint at least two (2) members for terms of one (1) year, at least two (2) members for terms of two (2) years, at least two (2) members for terms of three (3) years, and the remaining number for terms of four (4) years; such terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment. Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of four (4) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment.

(4) Any member of the board may be removed by his or her appointing authority for inefficiency, neglect of duty, malfeasance, conflict of interest, or want of mental or physical capacity to serve. Any appointing authority exercising the power to remove a member of the board shall submit to the board a written statement setting forth the reasons for removal. Notice shall be given to the member named in such statement; a hearing, if requested, shall be conducted within thirty (30) days before the members of the board who are not the subject of such removal proceedings; a record of the hearing shall be made by the secretary-treasurer of the board; and the member named in such removal notice may appeal any adverse decision, within ten (10) days after the rendering thereof, to the circuit court of any county which is served in whole or in part by the facilities of the transit authority, such appeal to be perfected by filing with the clerk of such court a copy of the removal proceedings certified by the secretary-treasurer of the board. The court, upon application of the member removed, may in its discretion order that the original record of the proceedings be filed with the clerk as the basis for such appeal. There shall be *a* [no] right of appeal to the Court of Appeals.

(5) Members of the board shall be allowed reasonable expenses necessarily incurred by them in the conduct of the affairs of the authority. Compensation may be paid to members of the board if so provided in the proceedings or joint proceedings, subject to such limitations as may be set forth therein.

Section 85. KRS 99.420 is amended to read as follows:

Whenever in the opinion of the agency, land or other property, right of way or easement over or through any property is needed by the agency in order to accomplish the purposes of KRS 99.330 to 99.510, it may by resolution authorize the purchase or condemnation in the name of the agency, of the land or other property, or right of way or easement necessary for the purpose, and may proceed to condemn and acquire the property in the following manner:

(1) The proceedings for condemnation shall be in the circuit court in the county in which the property sought to be condemned, or the greater part thereof, lies. The proceeding shall be in the name of the agency. Proceedings shall be commenced by filing a complaint against all persons having an interest in the property, describing the property, right of way (if any) or easement (if any) sought to be condemned, and the complaint shall include a request for the court, or a judge thereof if the court is in vacation, to appoint commissioners to assess the value which the owners thereof are entitled to receive. The owners of two (2) or more different properties sought to be condemned for the same purpose may be joined and proceeded against in a single action, but the lands and properties of each shall be separately described.

(2) Upon the filing of the complaint, the circuit court, or a judge thereof, shall, in writing, forthwith appoint three (3) disinterested, impartial citizens and residents of the county, who shall be sworn by the court, a judge thereof, or by any person authorized to administer oaths, to faithfully, fairly and impartially discharge their duties. The order appointing the commissioners shall be filed in the office of the clerk of the circuit court immediately upon its signing, and shall become part of the proceedings as of the date filed. In the event any person so appointed fails, refuses or becomes incapable of acting, the court, or judge thereof, shall forthwith appoint a qualified person to fill the vacancy. A majority of the commissioners appointed and qualified have the power to act and to make and sign the award and report.

(3) The commissioners shall immediately upon their appointment take the oath of office, and shall enter in and upon the property, right of way (if any) or easement (if any) sought to be condemned, and shall view same. They may hear evidence or make any inquiry they desire touching the value thereof. They shall award to the owner of each parcel of land and property the fair market value thereof. Property owned by the same owner, which is contiguous and adjacent may be considered as one (1) parcel and may be included by the commissioners under a single award. If less than an entire parcel of contiguous property belonging to the same owner is sought to be condemned, the commissioners shall also award to the owner the difference between the fair market value of the entire parcel of property before and after the taking. The award of the commissioners shall be filed by them, in writing, in the office of the circuit clerk, within fifteen (15) days after the day the order appointing the commissioners is filed in the office of the clerk of the circuit court, and shall be styled "Report and Award of Commissioners."

(4) Immediately upon the filing of the complaint, the clerk of the circuit court shall cause summons and process to issue against the defendants. The summons shall be issued in the same form and in the same manner as provided for upon the filing of a complaint under the Rules of Civil Procedure, except that the summons shall also contain the notification that the defendant shall serve his answer or other pleading within twenty (20) days after the filing of the report and award of the commissioners and notification that exceptions to the report and award of the commissioners must be filed within the same period of time. The action and proceedings shall be carried on as nearly as may be as ordinary civil actions at law are conducted. Nonresidents and persons under disability shal be proceeded against as provided by the Rules of Civil Procedure. Defenses and exceptions for nonresidents and persons under disability may be made and filed by any person authorized to make defense for such persons under the Rules of Civil Procedure.

(5) Any answer or other pleading filed by any defendant in response to the summons shall be confined solely to the question of the right of the agency to condemn the property sought to be condemned, but without prejudice to the right of the defendant, then and thereafter, within proper time, to file exceptions to the amount of compensation awarded in the report and award of the commissioners. Any issue raised in the answer or other pleading filed, putting in issue the right of the agency to condemn the property shall be promptly heard and decided by the court, without a jury. If the court finds the agency has no right to take the property in condemnation for the purpose of uses sought, it shall dismiss the complaint at the costs of the agency.

(6) If answer or other pleading is timely filed putting in issue the right of the agency to condemn the property, the time for filing exceptions to the report and award of commissioners shall automatically be extended to a time not later than ten (10) days after the decision by the court of the issue, and if the court decides that the agency does have the right to take the property in condemnation for the purposes or uses sought, the defendants shall file exceptions, should they desire so to do, to the report and award of commissioners within ten (10) days, if same has not theretofore been filed. If the defendants do not file an answer or pleading putting in issue the right of the agency to condemn the property, or having filed same is not sustained by the court, and, in either event, if the agency and the defendants do not file exceptions to the report and award of commissioners within the time provided, then the amount of the award set forth in the report and award of commissioners shall become final and not subject to exception or review and shall become and be entered as the judgment of the court setting and fixing the value of the land to be taken, and incidental damages to the remainder, if any. The agency has twenty (20) days from the filing of the report and award of commissioners to file its exceptions, should it desire so to do, unless answer or other pleading is filed by defendants, in which event the agency has ten (10) days after the decision by the court on the issue raised by the answer or pleading to file its exceptions. If exceptions are based on the ground that the award of the commissioners is too small or too great, the exceptions must be accompanied by an affidavit of the party excepting, his agent or attorney, stating the amount of the award and damages, if any, the party believes is just and reasonable. For the purpose of appeal, the difference between the amount awarded by the commissioners and the amount the excepting party claims would be just and reasonable shall be the amount in controversy.

(7) If timely exceptions to the report and award of commissioners are filed by any of the parties, the matter of the value of the property sought to be condemned shall forthwith be submitted to a jury to determine and assess value and damages, if any, and the case shall be advanced and have preference over other common law cases on the docket. In assessing value and damages, if any, the report and award of the commissioners shall not be permitted to be introduced or become substantive evidence in the case for the consideration of the jury, but nothing shall prevent the commissioners from testifying, subject to the same rules as apply to other witnesses, in which event either party may question the commissioners concerning their report and award. Upon request of any of the parties, the court may, in its discretion, send the jury to view the premises, except that if the property is taken under interlocutory judgment, as hereinafter provided, the jury's right to view shall be limited and restricted to the land only, if the buildings and appurtenances thereon and thereto have been removed or substantially altered and changed, and the court shall so instruct the jury. Jurors shall have the same qualifications as jurors in civil cases. They may or may not be residents of the city or governmental division in which the land, or the greater portion thereof, lies, but shall be residents of the county wherein same, or the greater portion thereof, lies. A unanimous verdict of all jurors is required, but only the foreman of the jury need sign the verdict.

(8) Upon final determination of all issues raised either by answer or other pleading, or by exceptions to the report and award of commissioners, or if no answer, pleadings or exceptions be filed by any of the parties, the court shall forthwith enter a judgment, which shall be a final judgment, and shall make such orders as are necessary and proper for the conveyance of the land, property and rights, if any, to the agency, upon the payment into court through the clerk of the circuit court by the agency of the amount set forth in the judgment of the court, vesting in the agency absolute fee simple title to the land, property and rights, if any, as described in the complaint, or any supplement or amendment thereof. In the event the owners fail, refuse or are unable to convey to the agency full and complete fee simple title to the land, property and rights, free,

clear and unencumbered, the court shall thereupon cause the commissioner of its court, or a special commissioner appointed by the court for that purpose, to execute and deliver to the agency a deed of conveyance therefor, which deed of conveyance shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court, including all the right, title and interest which the defendants and each of them had, or may have had therein. If, however, the agency has not taken same under interlocutory judgment, it may abandon its rights to take the land, property and rights, if any, and same shall be deemed abandoned by it in the event it does not pay into court within sixty (60) days from the date of the entering of the final judgment, the amount set forth therein as the amount to be paid by the agency for the taking thereof. The bond provided for by CR 4.11 of the Rules of Civil Procedure shall not apply and be required of the agency in any action for condemnation brought hereunder.

(9) Notwithstanding any other provision of this section, the agency may, prior to the entering of a final judgment, and at any time after the report and award of commissioners is filed in the circuit court, and notwithstanding exceptions have been or may be filed, file a demand for an interlocutory judgment. Copy of the demand shall be served upon defendants or their attorney or the person authorized to make defense for any nonresident or person under disability, at least ten (10) days prior to presentation to the court, or a judge thereof, in the manner provided by Rule 5 of the Rules of Civil Procedure. The court, or judge thereof, shall thereupon enter an interlocutory judgment granting and awarding to the agency immediate possession and full and complete use and control of the land and property sought to be condemned, and the agency shall thereupon be entitled to take possession thereof and to use and control same, including the right to remove, demolish, raze and do away with all buildings, structures and appurtenances thereon or thereto belonging, without let, hindrance, interruption or interference by the defendants, or anyone claiming under them, as fully as if title had been conveyed to it, and the court, or judge thereof, shall enforce same by appropriate order and proceedings; Provided, however, That before any interlocutory judgment is entered, the agency shall pay into the court, by depositing with the clerk of the circuit court, the amount contained and set forth in the report and award of commissioners, and shall at the same time file with the clerk a bond, with surety approved by the court, a judge thereof, or the clerk of the circuit court, conditioned upon the agency paying to the defendants the difference between the sum paid into court, and that which may thereafter be finally determined to be the value of the property or property rights, if any, or incidental damages, if any, unless the agency shall have sufficient sums duly appropriated, properly allocated to that purpose and on deposit to pay for any money judgments, including costs adjudged against the agency, that may thereafter be rendered against it, and if such facts are alleged in its complaint or in any supplement or amendment thereto, a bond shall not be required of it. If an interlocutory judgment is entered, and no answer, pleading or exceptions have been or are thereafter filed within time by any of the parties, final judgment shall be entered as provided for in subsection (8) of this section. If answer, pleading or exceptions are filed, the case shall proceed as provided for in cases where no interlocutory judgment has been demanded and entered, and wherein answer, pleading or exceptions are filed, and the interlocutory judgment shall remain in full force and effect. If the final judgment is greater than the amount paid into court by the agency under the report and award of the commissioners, the agency shall thereupon pay into court by depositing with the clerk of the circuit court the difference between the amount paid by the agency under the interlocutory judgment and the amount finally determined by the final judgment to be the value. If the difference be less, then the court shall direct the clerk to return and refund the difference to the agency out of the amount paid into court under the interlocutory judgment, if said sum has not been withdrawn by the defendants, or if withdrawn by the defendants, the court shall enter judgment in favor of the agency against the defendants and their surety for said difference, together with interest at six per cent (6%) per annum on the amount of the decrease from the date of withdrawal. The defendants, upon the payment by the agency into court of the amount set forth in the report and award of the commissioners, may, upon written demand, a copy of which shall be served upon the agency or its attorney at least ten (10) days prior to withdrawal of the funds, subject to approval by the court, withdraw from the clerk of the circuit court the amount, provided defendants execute a bond, with surety approved by the court, or a judge thereof, conditioned upon the payment to the agency by the defendants of any amount which may be determined to be the difference between the amount paid into court by the agency and the final judgment in the case, should it be finally determined that the amount paid into the court by the agency was greater than the amount set forth in the final judgment, or that the defendants receiving the funds were not the proper persons to receive same. The withdrawal of the amount by the defendants shall not prejudice or prevent defendants from filing answer, pleading or exceptions in the case, or from pursuing same if already filed, or taking any appeal, the same as if no withdrawal had been made. If defendants withdraw the amount paid into court by the agency, they shall be entitled to interest at six per cent (6%) per annum from the date of the taking of possession by the agency only on the amount by which said sum may thereafter be increased. If defendants do not withdraw the amount paid into court by the agency, they shall be entitled to interest at six per cent (6%) per annum from the date of the taking of possession by the agency only on the amount determined by the final judgment to be the value and amount defendants are entitled to receive for the land and property taken. The demand for an interlocutory judgment and the entering thereof is an additional

remedy and right granted the agency, and the case shall continue and be disposed of in the same manner as if no interlocutory judgment had been demanded or entered.

(10) All money paid into court, or to the clerk of the circuit court, whether under an interlocutory judgment or a final judgment shall be received and held by the clerk subject to the order of the court, and the clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

(11) Where there are conflicting interests and claims in land and property sought to be condemned and all such parties are before the court, the claims and equities of any claimant and owner shall be decided by the court or jury, as the case may be, and the funds paid into court under an interlocutory judgment or final judgment shall be subject thereto. Such claims or determination of rights shall in no wise stay or delay said condemnation proceedings.

(12) If more than one (1) piece of property is involved, owned by different persons, the jury shall render a separate verdict as to the property of each person, or the court may direct a separate trial for each piece of property owned by different persons.

(13) An appeal may be taken by either party in interest from the circuit court to the Court of Appeals in the manner, for any of the causes and subject to the rules provided by general laws regarding appeals from circuit court to the Court of Appeals, but no appeal or supersedeas shall suspend the right of the agency to have possession of the property, easement or right of way condemned. [Such appeals shall be advanced on the docket of the Court of Appeals.]

(14) A slum area or blighted area acquired for a housing project by the housing authority of the community may be included in a redevelopment area and the use of such area for redevelopment shall be a public use as though such area were originally acquired for a redevelopment project.

Section 86. KRS 118.176 is amended to read as follows:

(1) A "bona fide" candidate means one who is seeking party nomination or election according to law.

(2) The bona fides of any candidate seeking party nomination or election as an independent may be questioned by any qualified voter entitled to vote for such candidate or by an opposing candidate by summary proceedings consisting of a motion before the circuit court, or before the circuit judge if the court is in vacation, of the *judicial circuit* [district] in which the candidate whose bona fides is questioned resides. The motion shall be tried summarily and without delay, and a hearing before the judge shall be considered a special term for the purpose. Proof may be heard orally, and upon motion of either party shall be officially reported. If the circuit judge of the district in which the proceeding is filed is disqualified or absent from the county or is himself a candidate, the proceeding may be presented to, heard and determined by the circuit judge of any adjoining judicial *circuit* [district]. In any county having more than two (2) circuit judges the motion shall be made to and tried by a majority of the circuit judges and the concurrence of a majority of the circuit judges is required to render a decision.

(3) In any action or proceeding under this section the burden of proof as to the bona fides of a candidate shall be on the person challenging the bona fides of a candidate.

(4) If the court finds the candidate is not a bona fide candidate it must so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election officers filed with the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the circuit court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion must be made before the court or judge within five (5) days after the entry of the order in the circuit court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.

(5) No person shall approach the circuit judge for the purpose or view of influencing his decision on the motion pending before him or to be tried by him.

Section 87. KRS 120.055 is amended to read as follows:

Any candidate for nomination to office at a primary election held under the provisions of KRS 118.015 to 118.035 and 118.105 to 118.255, for whom a number of votes was cast equal to not less than fifty per cent (50%) of the votes cast for the successful candidate for nomination to such office, may contest the right of the successful candidate, and of any other candidate for nomination to such office, to such nomination, by filing a petition in the circuit court within fifteen (15) days from the day of the primary election, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in ten (10) days. In the case of candidates for offices for the state at large, the petition shall be filed in the Franklin Circuit Court; in the case of other candidates it shall be filed in the circuit court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his home with a member of his family over sixteen (16) years of age, or by posting a copy on the door of his residence. The contestee shall file his answer within ten (10) days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds must be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 120.095, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five (5) days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five (5) days after the issue was joined. In *judicial circuits* [circuit court districts] having more than one (1) circuit judge the judge who shall hear the cause shall be determined by lot.

Section 88. KRS 120.075 is amended to read as follows:

(1) Any party may appeal to the Court of Appeals from a judgment entered under KRS 120.065. The appeal shall be in accordance with the Rules of Civil Procedure, except that the notice of appeal shall be filed and a supersedeas bond executed in the circuit court, and the record shall be filed in the Court of Appeals, within ten (10) days after the entry of the judgment, or within such other time the Court of Appeals may, for cause shown, permit. The entire original record shall be filed and no designation of record shall be required.

(2) Upon the filing of the record, the clerk of the Court of Appeals shall immediately deliver it to the chief justice [, and the contest shall have precedence over all other business and causes then pending in the Court of Appeals and shall be heard and disposed of as speedily as the exigencies of the case will permit]. If the Court of Appeals is in vacation at the time the record is filed, the chief justice shall call together the judges or a majority thereof, who shall hear and determine the appeal in the same manner and with the same effect as if heard and tried by the court in regular session.

(3) The Court of Appeals in its discretion may issue its mandate forthwith after rendering its decision, but it shall be without prejudice to the right of the losing party to file a petition for rehearing or the power of the court to recall the mandate should the petition be sustained.

(4) If the judgment is reversed and the case remanded for trial or further action, the proceedings shall continue in the circuit court in like manner as when originally filed, beginning ten (10) days after the filing of the mandate with notice to the adverse party.

Section 89. KRS 156.146 is amended to read as follows:

If the parties cannot agree upon an attorney as provided in KRS 156.144 or if the regular judge determines that sufficient time is not available in which to ascertain if the parties can agree upon a member of the bar to act as judge, as provided in KRS 156.144, or if he determines that it is impracticable to attempt to obtain agreement because of the large number of parties to the action to be tried, or for any reason, the clerk shall at once certify the facts to the chief justice of the *Supreme* Court [of Appeals], who shall immediately designate a regular circuit judge, if one be available, and, if not, an attorney having the qualifications of a judge, to hold the court or try the action.

Section 90. KRS 156.240 is amended to read as follows:

The superintendent of public instruction shall prepare for publication biennially, by the state board of education, the complete school laws of the state, including abstracts of decisions of the Court of *Justice* [ Appeals], and opinions and interpretations of the attorney general and the superintendent of public instruction. He shall explain the true intent and meaning of the school laws and the published rules and regulations of the state board of education, and in doing so he shall freely consult the attorney general.

Section 91. KRS 172.130 is amended to read as follows:

The members of the fiscal court shall be trustees of the county law library and shall see that the circuit clerk properly discharges his duties as librarian. The fiscal court may appropriate money out of the county treasury to pay for legal text books and decisions of the courts of other states, and to replace decisions of the Court of *Justice* [Appeals of Kentucky] furnished by the state which have been lost, mutilated or destroyed.

Section 92. KRS 172.990 is amended to read as follows:

(1) Any clerk who is delinquent in making the inventory required in subsection (4) of KRS 172.110 shall be fined five dollars ($5.00) for each month or part of month he is delinquent.

(2) Any person who violates subsection (2) of KRS 172.140 shall, in addition to his civil liability, be fined not exceeding fifty dollars ($50.00).

(3) Any clerk who knowingly permits any book of the laws of this state or reports of the Court of *Justice* [Appeals] to be taken from his office in such a manner that he cannot produce the book when called upon to do so, shall be fined not exceeding fifty dollars ($50.00).

Section 93. KRS 177.190 is amended to read as follows:

(1) Any railroad company dissatisfied with a final order of the department directing the elimination of any grade crossing or change of existing overhead or underpass structure, or any order modifying or amending the final order may, within twenty (20) days after the receipt by the railroad company of a copy of the order directing the elimination of the grade crossing or a change, appeal from the order by filing a copy of the order, attested by an official of the department, in the clerk's office of the Franklin Circuit Court, together with a statement of the reasons why the order should not be enforced. On the filing of a copy of the order and the statement, the circuit clerk shall issue summons thereon in the same manner as summons is issued in equity actions in the circuit court. The [trial of all appeals under this section shall take precedence of all other civil business in the Franklin Circuit Court, and the] evidence shall be taken by depositions.

(2) On the hearing of the appeal the circuit court shall determine whether the elimination of the grade crossing, or the change in existing overhead or underpass structure, is reasonably necessary for the safety of the traveling public, and whether the plans and specifications prescribed by the order of the department are reasonably adequate to provide safety of operation for the trains of the railroad company, its employes and the public, and make reasonably adequate provisions for the future development of the railroad company's facilities.

(3) If the court finds from the evidence that the elimination of the grade crossing or change in existing overhead or underpass structure is not reasonably necessary for the safety of the traveling public, it shall, by final judgment, enjoin the department from enforcing its order.

(4) If the court finds from the evidence that the elimination of the grade crossing or change in existing overhead or underpass structure is reasonably necessary for the safety of the traveling public, it shall, by final judgment, either order the railroad company to proceed with the work in accordance with the order of the department, or in accordance with other plans and specifications prescribed by the court.

Section 94. KRS 177.200 is amended to read as follows:

Either the department or the railroad company affected by the final judgment of the circuit court may appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. [The case shall be advanced.]

Section 95. KRS 178.375 is amended to read as follows:

(1) Any railroad company dissatisfied with a final order of the fiscal court directing the elimination of any existing grade crossing or change of existing overhead or underpass structure under KRS 178.355, or a final order in respect of a new crossing under KRS 178.360, may, within twenty (20) days after receipt by the railroad company of a copy of the order, attested by the clerk of the fiscal court, file in the clerk's office of the circuit court of the county, together with a statement of the reasons why the order should not be enforced. On the filing of a copy of the order and the statement, the circuit clerk shall issue summons thereon in the same manner as summons is issued in equity actions in the circuit court. The trial of all appeals under this section shall be by a chancellor [and shall take precedence of all other civil business in the circuit court], and the evidence shall be taken by depositions or as the circuit court may direct.

(2) On the hearing of the appeal, the circuit court shall determine whether under the standards hereinbefore prescribed, a grade separation or change in an existing overhead or underpass structure is reasonably necessary for the public safety, whether the plans and specifications prescribed by such order make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety of operation of trains of the railroad company, its employes and passengers, and for future development of highway and railroad facilities.

(3) Upon submission of the case, the circuit court shall embody its findings and conclusions of law in a final judgment, which may enjoin the fiscal court from enforcing its order, or direct the railroad company to proceed with the work in accordance with the order of the fiscal court, or in accordance with other plans and specifications prescribed by the court, or direct the fiscal court to proceed with the work in accordance with plans and specifications prescribed by the court.

Section 96. KRS 178.380 is amended to read as follows:

Either the county or the railroad company dissatisfied with the final judgment of the circuit court may appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. [The case shall be advanced.]

Section 97. KRS 183.620 is amended to read as follows:

(1) The applicant or the holder of any certificate shall have the right of an appeal from any action of the department by filing within forty (40) days after the rendition of the order of the department a petition of appeal with the clerk of the Franklin Circuit Court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the

record certified by the department, or an abstract thereof, if agreed to by all parties to the hearing before said department.

(2) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such department.

(3) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen (15) days after service thereof.

(4) No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of KRS 183.530 to 183.620, or affecting the order, ruling or award, but the court shall otherwise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(a) The department acted without or in excess of its power;

(b) The order, decree or award was secured by fraud;

(c) The order, decision or award is not in conformity with provisions of KRS 183.530 to 183.620;

(d) The finding of facts in issue is not supported by any substantial evidence.

(5) The department and each party shall have the right to appear in such review proceedings. The court shall enter judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the department for proceedings in conformity with direction of the court.

(6) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to the department.

(7) Any party may appeal from the decision of the circuit court to the Court of Appeals of Kentucky. [Such appeals from the order of the department or to the Court of Appeals shall have precedence over other cases pending.]

Section 98. KRS 199.473 is amended to read as follows:

(1) All persons other than a licensed child-placing agency or institution, the department or persons excepted by KRS 199.470 (4) or (5) who wish to place or receive a child shall make written application to the commissioner for permission to place or receive a child. Upon receipt of an application to place or receive a child the commissioner shall cause an investigation to be made of the home and the background of the person or persons wishing to receive the child. The purpose of the investigation shall be to determine the suitability of the applicants to receive a child, taking into account at all times the best interest of the child for whom application to receive has been made. The child welfare worker making the investigation shall make a finding in writing recommending either that the application be granted or that the application be denied. In either case reasons for the child welfare worker's recommendation shall be given in writing. The recommendation of the child welfare worker shall then be reviewed by the commissioner. Based on the report and recommendation of the child welfare worker making the investigation, the commissioner shall grant or refuse permission for the applicant to place or receive a child as early as practicable, but, in any case, the decision shall be made within sixty days after the receipt of the application. In reaching his decision the commissioner shall be guided by the ability of the persons wishing to receive the child to give the child a suitable home, and shall at all times consider the best interest of the child from a financial, medical, psychological and psychiatric standpoint. If the application is refused the commissioner shall in general terms furnish in writing the reasons for his refusal.

(2) In any case where the department refuses to approve the placement of a child for adoption when requested by the parent or parents of the child, or refuses the request of any person or persons that a child be placed with him or them for adoption, the decision of the commissioner in so refusing shall be final unless within ten days after notice of refusal, the natural or proposed adopting parent or parents shall appeal to the circuit court of the county in which the adoption is proposed, provided however that no placement shall be disapproved on the basis of the religious, ethnic, racial or inter-faith background of the adoptive applicant, if such placement is made with the consent of the parent. The department shall be made a party defendant to the appeal. In the hearing of an appeal the court shall review the findings of the commissioner and shall determine if the commissioner has acted arbitrarily, unlawfully, or in such a manner as to constitute an abuse of discretion.

(3) No person, association or organization, other than the department or a licensed child-placing institution or agency shall place a child or act as intermediary in the placement of a child for adoption or otherwise; except in the home of a stepparent, grandparent, sister, brother, aunt or uncle, or upon written approval of the commissioner. Nothing in this subsection shall be construed to limit the Department of Economic Security in carrying out its aid to dependent children program in accordance with KRS Chapter 205.

(4) In the event a child who does not fall within the exception provided for in KRS 199.470 (4) or (5) is placed or received in a home without the permission of the Commissioner of Child Welfare, or in the event permission to receive a child has been denied, a representative of the department may petition the juvenile court of the county in which the child is found setting out the facts concerning the child. When such petition has been filed, the juvenile court shall take jurisdiction of the child and shall provide for it as it would provide for a needy, neglected or dependent child under KRS 208.020 except that the child may not be placed in the

home of the applicants to receive him unless permission to do so is granted by the commissioner or such action is ordered by a circuit court, [or] the Kentucky Court of Appeals *or Supreme Court of Kentucky.*

(5) Nothing in this statute shall be construed to limit the authority of the department or a licensed child-placing institution or agency to determine the proper disposition of a child committed to it by the juvenile court or the circuit court, prior to the filing of an application to place or receive.

Section 99. KRS 199.600 is amended to read as follows:

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially or continuously or repeatedly neglected the child or refused to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent, or if one of the two legitimate parents has willfully, substantially and continuously refused for a period of at least one year to give or pay any support, the parental rights of that parent may be terminated immediately by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or if the child is born out of wedlock, the mother and the father if paternity is established in legal action or if an affidavit is filed stating that the affiant is father of the child, must be personally summoned; or where personal service cannot be made, must be constructively summoned as provided in the Rules of Civil Procedure.

(4) In the event the infant is made party defendant to the action, the boarding home or foster parent shall not be served with summons notwithstanding provisions of CR 4.04 (3).

(5) The court may be convened at any time wherever the judge thereof may be found within this *judicial circuit* [district], irrespective of the regular term for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(6) Proceedings under this section may be instituted upon petition by the department, any probation officer, any state or local law enforcement officer, any county or Commonwealth's attorney or parent.

(7) In the event a parent who is a defendant in an action for involuntary termination of parental rights is for financial reasons unable to obtain legal representation, the court shall appoint an attorney for such person if defendant requests counsel. The court may appoint counsel for any defendant under this statute if in the opinion of the court justice will be served. Unless the attorney appointed receives a salary or fee from another source, he shall be paid a reasonable fee for his services which shall be taxed as costs not to exceed $150.

(8) Unless one or both parents object thereto in writing within ten days after an abortion results in a live birth, the live born person shall become an abandoned ward of the state and the mother and father of such person shall have no parental rights or obligations whatsoever as relates to the abandoned, the same as if parental rights had been terminated pursuant to the provisions of KRS Chapter 199.

Section 100. KRS 208.260 is amended to read as follows:

(1) No female child shall be transported to any institution, pursuant to order of any court or direction of the department, unless accompanied by a female attendant, or, when authorized in writing by the court or department, by a parent, grandparent, or adult brother or sister. Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a female transported to the institution shall report any violation of subsection (1) of this section to the commonwealth's attorney of the judicial *circuit* [district] in which the institution is located.

Section 101. KRS 208.380 is amended to read as follows:

(1) An appeal to the circuit court may be taken as a matter of right from the juvenile session of the county court from all orders and judgments whereby any infant, or other person, shall be restrained of his liberty, or placed in the custody of any institution, or fined or punished in any manner. The appeal shall be taken in the manner provided in the Rules of Criminal Procedure, and the circuit court shall, in the best interest of the child, hear such cases as soon as reasonably possible.

(2) A child's right to release during the pendency of an appeal shall be determined by a hearing held in circuit court to decide whether the circumstances surrounding the child are such as to endanger its safety or

welfare or that of the community, or to indicate that the child cannot reasonably be expected to be present for the hearing of the appeal. Release hearings shall be held within three days after the filing of the appeal. The child shall have a right to counsel at such a hearing. The Commonwealth shall bear the burden of proof at such hearings and the decision shall be based upon a preponderance of the evidence. If the child is not released, the court shall order that a judgment of the juvenile court committing the child shall be effective pending appeal. Any party aggrieved by a denial of release pending appeal may appeal to the Court of Appeals [which shall, in the best interest of the child, expedite the decision in the same manner as in a habeas corpus proceeding].

(3) Any party aggrieved by the appellate decision of a circuit court made pursuant to subsection (1) may by right appeal to the Court of Appeals in the manner provided in the Rules of Criminal Procedure. The Court of Appeals shall, in the best interest of the child, hear such cases as soon as reasonably possible. A child's right to release pending this appeal shall be determined by the circuit court in the same manner described in subsection (2) of this section.

(4) Any party aggrieved by a proceeding under KRS 208.020 (1) (d) may appeal from the juvenile court to the circuit court as a matter of right in the manner provided in Rule 72, Kentucky Rules of Civil Procedure. The circuit court may order that the child may be removed to a suitable place, pending the appeal, if it appears by affidavit or sworn testimony that the child would be in imminent danger if left with or returned to its parents, guardian, or other person party to the appeal.

Section 102. KRS 217.390 is amended to read as follows:

(1) When any duly authorized officer mentioned in KRS 217.380 finds any article of food that is adulterated, or any other article or substance that is detrimental to public health, the article shall be tagged or otherwise properly marked, giving notice that the product is suspected of being adulterated or detrimental to public health and has been quarantined, and warning all persons not to remove it until given permission by the officer or the courts.

(2) No person shall remove or otherwise dispose of such article in violation of this section.

(3) The officer shall then petition the judge of the police, county or circuit court in the *judicial circuit* [district] in which the article is found, for the condemnation and destruction of the article. The owner or defender of the article shall be given the right to a hearing, first before the officer, if desired, and before the court. The notice of a hearing before the officer shall state the length of time within which the hearing may be had.

(4) If the finding of the court is with the officer, the article shall be destroyed at the expense of the owner, or by the owner under the supervision of the officer. The costs shall be taxed against the owner or defender of the property, if he appears. If no one appears, the costs shall be collected against the owner or agent properly ascertained.

Section 103. KRS 217A.190 is amended to read as follows:

The circuit courts of the commonwealth are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter. All proceedings for the enforcement or to restrain violations of this chapter shall be by and in the name of this commonwealth. Subpoenas for witnesses who are required to attend a court of this commonwealth in any *judicial circuit* [district] may run into any other *judicial circuit* [district] of this commonwealth in any such proceedings.

Section 104. KRS 220.100 is amended to read as follows:

Any owner of real property in the proposed district who has not signed the original petition for the creation of the district and who wishes to object to the organization of the district shall, within sixty (60) days after the giving of notice by the commissioner, file his petition in the circuit court of the county in which the larger part of the proposed district is located, naming the commissioner defendant and setting out in the petition his objections to the organization of the district. The commissioner shall be represented in the circuit court by the county attorney and in the Court of Appeals by the attorney general, and he also may require his defense to be made by the petitioners or some of them. The issues may be made up and the case may be docketed for hearing as in an action for a declaration of rights. An appeal to the Court of Appeals may be taken in the manner provided in the Rules of Civil Procedure, but such appeals shall be docketed within sixty (60) days from the entry of judgment; unless the time be extended by a lower court, but in no event beyond one hundred and twenty (120) days from the entry of judgment. [The appeal may be advanced for immediate hearing and submission.] The burden of proof shall be upon the plaintiff to show cause why the district should not be organized. If the court renders judgment against the commissioner, judgment shall point out the changes required for the establishment of a district, which, if met by the commissioner, shall authorize the creation of the district. If the changes are not met by the commissioner, the proposed district shall not be organized unless new proceedings are instituted for the creation of a district, but such new proceedings shall not be instituted for a period of six (6) months after the date of judgment. If the court gives judgment against the plaintiff, the commissioner shall organize the district. An appeal taken as authorized in this section shall suspend the judgment until the case has been passed upon by the Court of Appeals and final judgment rendered. Either the plaintiff or the commissioner may appeal from the judgment of the circuit court to the Court of Appeals, but the commissioner shall not be required to make any appeal bond. Except as otherwise provided in this section, the pleading and practice shall be the same as in other suits in equity.

Section 105. KRS 220.537 is amended to read as follows:

Any owner of real property in the territory proposed to be annexed who wishes to object to the annexation of the territory to the district shall, within sixty (60) days after the giving of notice by the commissioner, file his petition in the circuit court of the county in which the larger part of the territory proposed to be annexed is located, naming the commissioner defendant and setting out in his petition his objections to the annexation of the territory. The commissioner shall be represented in the circuit court by the county attorney and in the Court of Appeals by the attorney general, and he also may require his defense to be made by the district. The issues may be made up and the case may be docketed for hearing as in an action for a declaration of rights. An appeal to the Court of Appeals may be taken in the manner provided in the Rules of Civil Procedure, but such appeals shall be docketed within sixty (60) days from the entry of judgment, unless the time be extended by the lower court, but in no event beyond one hundred and twenty (120) days from the entry of judgment. [The appeal may be advanced for immediate hearing and submission.] The burden of proof shall be upon the plaintiff to show cause why the territory, or any portion of it, should not be annexed to the district. If the court renders judgment against the commissioner, the judgment shall point out the changes required for annexation of the territory, which, if met by the commissioner, shall authorize annexation of the territory. If the proposed changes are not met by the commissioner, the territory shall not be annexed unless new proceedings are instituted in the manner prescribed by KRS 220.535 and 220.536, but such new proceedings shall not be instituted for a period of six (6) months after the date of judgment. If the court gives judgment against the plaintiff, the board of directors may annex the territory. An appeal taken as authorized in this section shall suspend the judgment until the case has been passed upon by the Court of Appeals and final judgment rendered. Either the plaintiff or the commissioner may appeal from the judgment of the circuit court to the Court of Appeals, but the commissioner shall not be required to make any appeal bond. Except as otherwise provided in this section, the pleading and practice shall be the same as in other suits in equity.

Section 106. KRS 220.563 is amended to read as follows:

Within sixty (60) days after the final publication of an order made under KRS 220.551, which dismisses a petition for creation of a construction subdistrict or within sixty (60) days after final publication of an order made under KRS 220.561 any person who would have been qualified to sign a petition described in KRS 220.551 may appeal such order of the district to the circuit court for the county in which the proposed construction subdistrict is located. All matters appealed from shall be tried de novo and as an equitable action. Decisions of the circuit court may be appealed to the Court of Appeals [, and such appeals shall be advanced on the appellate court's docket].

Section 107. KRS 229.220 is amended to read as follows:

(1) The chairman shall be the chief executive officer of the commission and is authorized to take any action or exercise any power given by this chapter to the commission, except the adoption of rules and regulations, and except as otherwise restricted by this section provided, however, any person aggrieved by any act or decision of the chairman may appeal to the full commission by filing written notice with the secretary of the commission within ten (10) days of the act or decision being appealed and the grounds for appeal, and the address of the appellant. Unless waived by the commission the notice must be accompanied by a list of the names and addresses of any persons the appellant wishes to have subpoenaed by the commission for the hearing and a list of any documents he desires to have produced.

(2) Upon receipt of the notice of appeal a hearing shall be set for a date not less than ten (10) nor more than thirty (30) days from the filing of the notice, and written notice of the time and place of the hearing shall be mailed to the appellant not less than five (5) days in advance of such hearing. Upon the mutual agreement of the commission and appellant an earlier or later date may be fixed, in which event no notice to appellant shall be required. All hearings shall be held at the office of the commission unless in the judgment of the commission it will be more expeditious to hold the hearing elsewhere within the commonwealth.

(3) The full commission may approve, set aside or modify the action or decision of the chairman. At least three (3) commissioners shall be required to conduct a hearing and the concurrence of a majority of those present at the hearing shall be necessary to render a decision. The chairman may participate at the hearing, including, if he so elects, participation in the deliberations of the commission and the determination of its decision. The commission shall furnish appellant with a statement of its findings of fact and the reasons for

the decision reached. The findings of fact made by the commission shall, unless clearly arbitrary or capricious, be conclusive but any party aggrieved shall have the right of appeal as hereinbelow provided.

(4) Any party aggrieved by the decision of the commission may appeal to the Franklin Circuit Court provided notice of appeal is filed with the commission within ten (10) days from the date of the decision and provided that, at the time of filing such notice the appellant shall deposit with the commission a sum sufficient to pay for the cost of taking and transcribing the proceedings before the commission, to be retained by the commission unless its decision is ultimately reversed, and provided that during such ten (10) day period the appellant shall post a bond with the clerk of the Franklin Circuit Court to secure the costs of the action in such sum as may be approved by the clerk, with good and solvent surety. Thereafter, the commission shall forthwith transmit the original record of all of the proceedings before the commission. Upon receipt of such record the clerk shall docket the appeal. No formal pleadings shall be required in such appeals. [but the] *The* case shall be set down by the court for [as early] a [date as possible for such a] hearing, and after such hearing the court shall enter a judgment sustaining or setting aside the decision of the commission. Either party may appeal to the Court of Appeals from the judgment of the circuit court in accordance with the Rules of Civil Procedure.

Section 108. KRS 230.730 is amended to read as follows:

(1) The commission and each party may appear in the proceedings in the circuit court on an appeal.

(2) In case of appeals, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not the commission acted without or in excess of its power, the order was procured by fraud, the order is in conformity to the provisions of this chapter, and the findings of fact in issue are supported by any substantial evidence.

(3) The commission shall as soon as practicable after being served with summons file a copy of the record, the cost of such record to be taxed as costs upon appeal. In lieu of filing such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

(4) The record shall consist of the initial determination of the commission or its representative, the transcript of the hearing before the commission and the decision of the commission. No pleadings other than the record shall be required of the commission, but the commission may in its discretion file such pleadings as it may choose within the time allowed by law in similar civil actions.

(5) The court shall enter judgment confirming, modifying or setting aside the order or, in its discretion, remanding the case to the commission for proceedings in conformity with the directions of the court.

(6) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure [, and subject to the rules of that court such appeal shall be advanced on the docket].

Section 109. KRS 243.590 is amended to read as follows:

Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. [The appeal may be advanced for immediate hearing].

Section 110. KRS 271A.405 is amended to read as follows:

(1) Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten (10) days after the date on which the vote was taken or if a corporation is to be merged without a vote of its shareholders into another corporation, any of its shareholders may, within fifteen (15) days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the ten-day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

(2) No such demand may be withdrawn unless the corporation shall consent thereto. If, however, such demand shall be withdrawn upon consent, or if the proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action, or if, in the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger, or if no demand or petition for the

determination of fair value by a court shall have been made or filed within the time provided in this section, or if a circuit court shall determine that such shareholder is not entitled to the relief provided by this section, then the right of such shareholder to be paid the fair value of his shares shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken in the interim.

(3) Within ten (10) days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve (12) months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve (12) months period ended on the date of such balance sheet.

(4) If within thirty (30) days after the date on which such corporate action was effected the fair value of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made within ninety (90) days after the date on which such corporate action was effected, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

(5) If within such period of thirty (30) days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty (30) days after receipt of written demand from any dissenting shareholder given within sixty (60) days after the date on which such corporate action was effected, shall, or at its election at any time within such period of sixty (60) days may, file a petition in the circuit court in the county in this state where the registered office of the corporation is located requesting that the fair value of such shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. The corporation shall either (a) cause a copy of the petition to be served on each dissenting shareholder, or (b) mail a copy of the petition to each dissenting shareholder by registered or certified mail addressed to each shareholder at his last address as it appears on the stock transfer books of the corporation, with postage thereon prepaid. In addition, each dissenting shareholder shall be served in accordance with law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares.

(6) Any action permitted hereunder shall be advanced [on the docket for an early hearing as actions for declarations of rights may be, and shall be heard and disposed of as expeditiously as is reasonably possible]. From any final judgment, rendered by a circuit court in any such action, an appeal may be taken to and heard by the Court of Appeals, in the manner provided in the Rules of Civil Procedure. [The appeal may be advanced for immediate hearing and submission].

(7) The circuit court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

(8) The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

(9) The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the shareholder in the proceeding.

(10) Within twenty (20) days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates representing his shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a circuit court for good and sufficient cause shown shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

(11) Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by such corporation as in the case of other treasury shares, except that, in the case of a merger or consolidation, they may be held and disposed of as the plan of merger or consolidation may otherwise provide.

Section 111. KRS 278.450 is amended to read as follows:

Upon final submission of any action brought under KRS 278.410, the circuit court shall enter a judgment either sustaining the order of the commission or setting it aside or vacating it in whole or in part, or modifying it, or remanding it to the commission with instructions. Any final order of the commission, on remand of the proceedings, shall be subject to court review in the same manner as any other final order of the commission. Either party to the action may appeal from the judgment of the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure [, and the appeal shall be advanced in the same manner as commonwealth cases].

Section 112. KRS 281.785 is amended to read as follows:

(1) The department and each party may appear in the proceedings in the circuit court on an appeal.

(2) In case of appeals, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not the department acted without or in excess of its power, the order was procured by fraud, the order is in conformity to the provisions of this chapter, and the findings of fact in issue are supported by any substantial evidence. On such appeals, the court may, in advance of judgment and upon a sufficient showing of facts, remand the case to the department.

(3) The court shall enter judgment confirming, modifying or setting aside the order or, in its discretion, remanding the case to the department for proceedings in conformity with the directions of the court.

(4) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure [, and such appeal shall have precedence of other cases pending in the Court of Appeals].

Section 113. KRS 304.32-230 is amended to read as follows:

(1) The commissioner shall not make public the results of any examination or investigation of any corporation found to be insolvent, or with its capital impaired, prior to suspending or revoking the authority of the corporation to do business in this state. If the commissioner determines, after examination, hearing, or other evidence, that a corporation is in an unsound condition, or has failed to comply with the law, or with the provisions of this subtitle, or that its condition is, or its methods are, such as to render its operations hazardous to the public, or to its subscribers, or that its actual assets, exclusive of its capital, are less than its liabilities, or if its officers or agents refuse to submit to examination, or to perform any acts relative thereto, or refuse on behalf of the corporation to pay the examination charges, he shall suspend or revoke all certificates of authority granted to the corporation, and to its officers or agents, and shall cause notice to be published in accordance with KRS chapter 424, and no solicitation of new business shall be done by it or its agents in this state, while such default or disability continues, nor until its authority to do business is restored. Before suspending or revoking the certificate of authority of any corporation, unless it is insolvent or its capital impaired, the commissioner shall grant fifteen (15) days in which to show cause why action should not be taken.

(2) A corporation whose certificate of authority has been suspended or revoked by the commissioner, may appeal, within thirty (30) days to the Franklin County Circuit Court. Upon filing of the appeal, the court shall cause the records and orders of the commissioner to be brought before it, and upon hearing the case de novo, shall by its final decree either affirm, reverse, or vacate the order of the commissioner.

(3) The court shall have the power to make an order suspending or staying the order of the commissioner suspending or revoking the license of a corporation pending the appeal; but the corporation appealing shall furnish a bond, with sureties, satisfactory to the court, in any amount the court determines to be just and proper, conditioned to pay to the state and to any and all persons any and all loss that may be sustained by reason of the stay or suspension of the commissioner's order. During the period allowed for

taking appeal, the publication of notice of the revocation or suspension of license of the corporation as provided by this section shall not be made. If the order of the commissioner is stayed or suspended by order of the court, publication shall not be made until after the discharge of the stay of order or until the affirmation of the order of revocation or suspension.

(4) If, upon appeal, trial is by jury, the court shall submit the cause to the jury upon special interrogatories covering the matters in issue, and if the jury finds the corporation is insolvent because of obligations which exceed its assets, the court may enjoin it from further exercising corporate rights, privileges, or franchises in this state.

(5) (a) If there is a finding of insolvency, the commissioner shall have and exercise all of the powers and authorities set forth in subtitle 33.

(b) If no charge of insolvency is made, or, if made, is not established by the verdict of the jury, but it shall be found by the verdict that the corporation has exceeded its corporate powers or failed to comply with any provision of this subtitle or has done or committed any act for which its license may be revoked or suspended under any provision of this subtitle, or has conducted its business unlawfully or fraudulently, the court may enjoin and restrain it from the commission of such further acts, and if the corporation fails to cease and desist within the time specified by the court, it may be perpetually enjoined from doing any further business in this state. Pending the trial if no bond is furnished as provided, upon motion of the attorney general and upon notice to the corporation, the court may appoint one or more temporary receivers, grant an injunction restraining it and its officers from collecting any debt or demand, and from paying out or in any way transferring or delivering to any person any money, property, or effects, during the pendency of the proceeding except by direction of the court. An appeal shall lie to the Court of Appeals from the circuit court as in other cases [; and it shall be the duty of the circuit court and of the Court of Appeals to advance the hearing of matters as far as justice and the business of the court permit].

Section 114. KRS 311.595 is amended to read as follows:

(1) Where such power has not been transferred by statute to some other board, commission or agency of this state, the board may deny an application for a license; place a licensee on probation for a period not to exceed five years; suspend a license for a period not to exceed five years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit.

(b) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion or conspiracy in connection with an examination for a license.

(c) Committed, procured or aided in the procurement of an unlawful abortion.

(d) Been convicted of a felony involving moral turpitude. The conviction of any offense in another state, territory or country, which if committed in this state would be deemed a felony shall be held to be a felony under this section without regard to its designation in such other state, territory or country.

(e) Become addicted to a drug habit.

(f) Become a chronic or persistent alcoholic.

(g) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public. In enforcing this paragraph the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by physicians designated by it. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him (unless the failure was due to circumstances beyond his control) consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician whose license has been suspended, limited, restricted or revoked under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

(h) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof.

(i) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of his profession.

(j) Employed, as a practitioner of medicine or osteopathy in the practice of his profession in this state, any person not duly licensed; or otherwise aided, assisted or abetted the unlawful practice of medicine or osteopathy or any other healing art.

(k) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the board under KRS 311.601 or any other valid regulation of the board.

(l) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

(m) Engaged in or attempted to engage in the practice of medicine or osteopathy under a false or assumed name.

(n) Obtained a fee or other thing of value on the fraudulent representation that a manifestly incurable condition could be cured.

(o) Willfully violated a confidential communication.

(p) Had his license to practice medicine or osteopathy in any other state, territory or foreign nation revoked, suspended, restricted or limited or has been subjected to other disciplinary action by the licensing authority thereof.

(q) Failed or refused, without legal justification, to practice medicine in a rural area of this state in violation of a valid medical scholarship loan contract with the Trustees of the rural Kentucky medical scholarship fund.

(r) Given or received, directly or indirectly, from any person, firm, or corporation, any fee, commission, rebate, or other form of compensation for sending, referring or otherwise inducing a person to communicate with a person licensed under KRS 311.530 to 311.620 in his professional capacity or for any professional services not actually and personally rendered; provided, however, that nothing contained in this subsection shall prohibit persons holding valid and current licenses under KRS 311.530 to 311.620 from practicing medicine in partnership or association or in a professional service corporation authorized by KRS Chapter 274, as now or hereafter amended, or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association. Nothing contained in this subsection shall abrogate the right of two or more persons holding valid and current licenses under KRS 311.530 to 311.620 to receive adequate compensation for concurrently rendering professional care to a single patient and divide a fee, provided the patient has full knowledge of this division and provided the division is made in proportion to the services performed and responsibility assumed by each.

(2) In every proceeding for probation, suspension, limitation, restriction or revocation of a license, the secretary shall furnish the licensee with written notice setting out the substance of each offense charged, with sufficient detail to reasonably apprise such a person of the nature, time and place thereof. Proceedings and forms shall be in accordance with rules and regulations of the board, and hearings may be conducted by hearing officers of the board as provided in subsection (2)(b) of KRS 311.565, but no hearing shall be conducted until at least thirty days' written notice thereof has been given to the holder of the license, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board. Preliminary to the institution of any such proceeding, the secretary may refer the charge or charges to the state organization which represents the profession to which the holder of the license belongs, for investigation and recommendations as to adjustment, settlement or disciplinary action, and such professional organization may assist in the prosecution or defense of any such proceedings before the board, which shall not be bound to follow its recommendations.

(3) Except as otherwise provided in this subsection, every order of the board suspending, limiting, restricting or revoking a license shall become effective thirty days after notice is given to the licensee, unless said licensee, within thirty days from the giving of such notice, appeals therefrom in the manner provided by subsection (4) of this section. Provided, however, that the board may, when in its opinion the continued practice by the licensee during the time allowed for appeal would be dangerous to the health, welfare and safety of the licensee's patients or the general public, provide in its order of suspension, limitation, restriction or revocation that said order shall become effective forthwith and the licensee shall not, after notice of same, engage or continue to engage in any prohibited practice under the license unless and until the order is reversed or modified by a final and unappealable order or judgment of a court made pursuant to the provisions of subsection (4) of this section.

(4) Any licensee who is aggrieved by an order of the board placing the licensee on probation, or suspending, limiting, restricting or revoking his license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said order, a complaint against the board in the circuit court of the county in which the board's offices are located, together with a bond with good and sufficent sureties thereon to cover all costs, which complaint shall request judicial review of the order and the proceedings held by the board, or its hearing officer, and set out with particularity the grounds relied upon for reversal or modification of the order. Summons and a copy of the complaint may be served upon the secretary for and on behalf of the board, and the secretary shall, within thirty days after such service and the filing of said bond, file with the court a transcript of the record of hearing together with a certified copy of the order complained of. The board may file an answer, or such other pleadings as it considers appropriate, and the court shall, after considering the transcript of the record and the board's order and any arguments of counsel, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the board is not sustained the court shall, upon request of the board, remand the case to the board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case may

appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act [and the Court of Appeals shall docket and advance the appeal as provided in said act].

(5) Any notice, that is required to be given to a licensee by the board, or by its secretary or hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the licensee at his last known address as it appears in the files of the board shall be sufficient.

(6) All members of the board, and its secretary and hearing officer, have authority to administer oaths, and to issue, in the name of the board, complaints, notices, summonses, subpoenas, and other process, in connection with any charge, proceeding or hearing relating to probation, suspension or revocation.

(7) The board may compel the attendance of witnesses at hearings in connection with disciplinary proceedings, and circuit and county courts are, upon petition of the board or its hearing officer, authorized and empowered to punish as contempt all failures to obey subpoenas and other process provided in subsection (6) of this section and all contemptuous or contumacious conduct directed to the board or its hearing officer in the course of disciplinary proceedings.

Section 115. KRS 321.410 is amended to read as follows:

(1) If an action is commenced against the board, as authorized in KRS 321.400, the board shall promptly cause a certified transcript of all proceedings had and testimony taken therein to be made and filed with the clerk of the court in which the action is pending. The cost of preparing and certifying the record shall be paid to the board by the party bringing the action, and taxed as part of the costs, to be paid as directed by the court upon final determination of the action. Copies of the transcript shall be furnished at cost to any party to the proceeding. The action or appeal shall be determined by the court upon the record certified and filed as herein provided, and no new or additional evidence shall be heard or considered by the court unless it appears to the court from said record that the complaining party was denied the opportunity of a fair hearing before the board.

(2) The court shall enter a judgment either sustaining the order of the board, or setting it aside, or vacating it in whole or in part. Either party to the action may, within sixty (60) days after the entry of the judgment of the circuit court, appeal to the Court of Appeals [, and the appeal when filed in the office of the clerk of the Court of Appeals shall be docketed and advanced in the same manner as commonwealth cases].

Section 116. KRS 323A.140 is amended to read as follows:

(1) Any person whose license is revoked by the board may appeal from the order of revocation by filing in the Franklin Circuit Court or in the circuit court in the *judicial circuit* [district] in which the licensee maintains his business a petition for appeal and a copy of the order of the board within sixty days of the date of entry of the order. He shall make bond for costs. The petition for appeal shall set forth with particularity the grounds upon which the appeal is taken. The licensee shall cause a copy of the petition for appeal to be served upon the secretary of the board.

(2) Within thirty days after service of notice of appeal, or within such further time as the court may allow, the board shall file in the Franklin Circuit Court or in the circuit court in the *judicial circuit* [district] in which the licensee maintains his business the original or a certified copy of the entire record of its proceedings under review; but, by stipulation of the parties the record may be shortened.

(3) The filing of the petition for appeal shall not stay enforcement of the order; but upon motion of appellant the Franklin Circuit Court or the circuit court in the *judicial circuit* [district] in which the licensee maintains his business, in its discretion, may order a stay pending decision of the appeal. If the time for renewal of the license occurs during a stay of enforcement, the board shall grant a renewal upon application properly made and payment of the usual fees.

(4) The Franklin Circuit Court or the circuit court in the *judicial circuit* [district] in which the licensee maintains his business shall set the case for hearing without a jury and dispose of the appeal de novo.

(5) Any aggrieved party may secure a review of any adverse judgment of the Franklin Circuit Court or the circuit court in the *judicial circuit* [district] in which the licensee maintains his business under this chapter by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided in the Rules of Civil Procedure.

Section 117. KRS 324.210 is amended to read as follows:

Any party aggrieved by the action of the commission in refusing to grant a license or in suspending or revoking a license may, within ten (10) days after the entry of such order of refusal, revocation or suspension, file in the office of the clerk of the circuit court of the county in which the action of the commission is applicable, an attested copy of the proceedings before the commission, provided he shall first post a bond to secure the costs of the action in such sum as may be approved by the clerk of the circuit court, with good and solvent surety. The commission shall be a necessary party to all such appeals. The circuit court clerk shall thereupon docket the case as though it were a petition in equity and shall immediately issue a summons for such commission, and said summons shall be returned in the same manner as are summonses in equity cases. No formal pleadings shall be required in such appeals *and* [but] the case shall be set down by the court for [as early a date as possible for] a hearing, and after such hearing the court shall enter a judgment sustaining or setting aside the order of the commission. Either party may appeal to the Court of Appeals from the judgment of the circuit court in the same manner as an appeal can be taken from a judgment in equity cases.

Section 118. KRS 330.160 is amended to read as follows:

Any party aggrieved by the action of the board in refusing to grant a license or in suspending or revoking a license may, within ten (10) days after the entry of such order of refusal, revocation or suspension, file in the office of the clerk of the circuit court of the county in which the office of the board is located, an attested copy of the proceedings before the board, provided he shall first post a bond to secure the costs of the action in such sum as may be approved by the clerk of the circuit court, with good and solvent surety. The board shall be a necessary party to all such appeals. The circuit court clerk shall thereupon docket the case and shall immediately issue a summons for the board. No formal pleadings shall be required in such appeals *and* [but] the case shall be set down by the court for [as early a date as possible for] a hearing, and after the hearing the court shall enter a judgment sustaining or setting aside the order of the board. Either party may appeal to the Court of Appeals from the judgment of the circuit court.

Section 119. KRS 337.425 is amended to read as follows:

(1) For this purpose, the commissioner, or his authorized representative, shall have power to enter the place of employment of any employer to inspect and copy payrolls and other employment records, to compare character of work and operations on which persons employed by him are engaged, to question such persons, and to obtain such other information as is reasonably necessary to the administration and enforcement of KRS 337.420 to 337.433 and 337.992.

(2) The commissioner or his authorized representative shall have power to examine witnesses under oath, and to require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to KRS 337.420 to 337.433 and 337.992. In the event of the failure of a person to attend, testify or produce documents under or in response to a subpoena, the circuit court in the judicial *circuit* [district] wherein the hearing is being held, on application of the commissioner or his representative, may issue an order requiring said person to appear before the commissioner or his authorized representative, or to produce documentary evidence, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(3) The commissioner is authorized to endeavor to eliminate pay practices unlawful under KRS 337.420 to 337.433 and 337.992 by informal methods of conference, conciliation and persuasion, and to supervise the payment of wages owing to any employe under KRS 337.420 to 337.433 and 337.992.

(4) The commissioner shall have power to issue such regulations not inconsistent with the purpose of KRS 337.420 to 337.433 and 337.992, as he deems necessary or appropriate to carry out its provisions.

Section 120. KRS 342.290 is amended to read as follows:

(1) Where an amount sufficient under KRS 21.060 to authorize an appeal to the Court of Appeals is involved, the judgment of the circuit court shall be subject to appeal to the Court of Appeals. The scope of review by the Court of Appeals shall include all matters subject to review by the circuit court and also errors of law arising in the circuit court and upon appeal made reviewable by the Rules of Civil Procedure where not in conflict with this chapter.

(2) The procedure as to appeal to the Court of Appeals shall be the same as in civil actions, so far as it is applicable to and not in conflict with this chapter, except as follows:

(a) The appellant shall file with the clerk of the circuit court, together with proof or acknowledgment of service, a schedule which indicates the portions of the record to be incorporated into the transcript of the record to be used on appeal to the Court of Appeals. Should the appellee or his counsel desire additional portions of the record incorporated into the record to be filed in the Court of Appeals, he may file with the clerk of the circuit court his schedule also within ten (10) days thereafter (unless the time is extended by order of the circuit court or the Court of Appeals), indicating the additional portions of the record desired by him. Provided, however, That if the original record of the workmen's compensation board is desired by either party on appeal to the Court of Appeals, it shall not be necessary for the clerk of the circuit court to copy said original record into the transcript, but the same shall be and become a part of the transcript and shall be forwarded to the clerk of the Court of Appeals as a part of the record upon appeal to said court. The clerk shall not be entitled to any transcript fee for such original record.

(3) The clerk of the circuit court will transmit to the Court of Appeals as the transcript of the record only those portions of the record of the lower court as are designated by the parties as above.

[(4) The appeal shall be advanced on the Court of Appeals docket without motion or notice.]

Section 121. KRS 344.240 is amended to read as follows:

(1) A complainant, respondent, or intervenor aggrieved by an order of the commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the commission may obtain an order of the court for enforcement of its order, in a proceeding brought in the circuit court in a county in which the alleged unlawful practice which is the subject of the order or complaint occurs or in which a respondent resides or has his principal place of business.

(2) The proceeding for review or enforcement is initiated by filing a complaint in the court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the service of the complaint upon the commission or its filing by the commission, or within such further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the commission, or remanding the case to the commission for further proceedings. [All such proceedings shall be heard and determined by the circuit court and Court of Appeals as expeditiously as possible and with lawful precedence over other matters.]

(3) If the commission has failed to schedule a hearing in accordance with subsection (1) of KRS 344.210 or has failed to issue an order within one hundred eighty (180) days after the complaint is filed, the complainant, respondent, attorney general, or an intervenor may petition the circuit court in a county in which the alleged unlawful practice set forth in the complaint occurs or in which the petitioner resides or has his principal place of business for an order directing the commission to take such action. The court shall follow the procedure set forth in subsection (2) so far as applicable.

(4) The court shall not consider any matter not considered by, nor any objection not raised before, the commission, unless the failure of a party to present such matter to or raise such objection before the commission is excused because of good cause shown. A party may move the court to remand the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the commission.

(5) The jurisdiction of the circuit court shall be exclusive and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the Rules of Civil Procedure. The commission's copy of the testimony shall be available to all parties for examination without cost during business hours at the commission's office in Frankfort.

(6) A proceeding under this section must be initiated within thirty (30) days after a copy of the order of the commission is received, unless the commission is the petitioner or the petition is filed under subsection (3). If no proceeding is so initiated, the commission may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent.

Section 122. KRS 344.340 is amended to read as follows:

The proceeding for enforcement of a local commission order is initiated by filing a complaint in the circuit court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the filing of the complaint by the local commission, or within such further time as the court may allow, the local commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the local commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the local commission, or remanding the case to the local commission for further proceedings. [All such proceedings shall be heard and determined by the circuit court and the Court of Appeals as expeditiously as possible and with lawful precedence over other matters.]

Section 123. KRS 352.430 is amended to read as follows:

(1) The operator or superintendent of every mine shall furnish the mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of KRS Chapters 351 and 352 in respect to appliances for the safety of employes, or that by reason of any defect or practice not specifically covered by these chapters in or about the mine the lives or health of persons employed therein are endangered, he shall immediately notify the operator or superintendent thereof orally and in writing, stating

the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the immediate protection of the lives and health of the persons employed in the mine he shall withdraw the men from the mine. The operator or superintendent shall have the right to appeal to the commissioner from the closing of the mine.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the mine inspector and the commissioner at least three days before the hearing, and in all such hearings the attorney-general, the commonwealth's attorney or the county attorney of the *judicial* circuit [court district] or county in which the mine is situated shall appear for the state and defend the action.

Section 124. KRS 402.270 is amended to read as follows:

(1) The Human Resources Coordinating Commission of Kentucky shall prepare a marriage manual for distribution to all applicants for a marriage license. The manual shall include, but not be limited to, material on family planning, proper health and sanitation practices, nutrition, consumer economics, and the legal responsibilities of spouses to each other and as parents to their children.

[(2) The manual shall be submitted by the commission to the Judicial Council and the Judicial Conference for examination and study. The council and conference shall peruse the manual to determine whether, in the experience of the members, the manual adequately treats the subjects included, with particular emphasis on the legal responsibilities of spouses.]

*(2)* [(3)] When the manual is approved [by the Judicial Council and the Judicial Conference,] it shall be printed by the Human Resources Coordinating Commission. Copies of the manual shall be sent to the county clerk of each county. Each county clerk shall give a copy to each applicant for a marriage license.

Section 125. KRS 418.060 is amended to read as follows:

Any party aggrieved by a declaratory judgment, order or decree, rendered in the circuit court, may take and perfect an appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure for appeals. [Such appeal shall be at once docketed in the Court of Appeals, and may be advanced for immediate hearing and submission. The Court of Appeals shall prepare proper rules as to arguments and briefs applicable to cases brought before it under KRS 418.040 to 418.090 and advanced as above prescribed.]

Section 126. KRS 419.130 is amended to read as follows:

(1) Any party to a hearing on a writ may appeal to the Court of Appeals by filing with the clerk of the court, within thirty days after the entry of the judgment, the original record and a transcript of the evidence, together with a notice of appeal, which notice shall be served on the other parties at least two days before the appeal is filed. Upon the filing of the appeal the clerk shall immediately deliver the papers to the Chief Justice [, and the Court shall proceed immediately to hearing thereof and complete the same as soon as practicable]. If the Court is in vacation at the time the appeal is filed, the Chief Justice shall call together a majority of the judges of the Court who shall hear and determine the appeal as in regular session.

(2) If the judgment in a habeas corpus proceeding orders the release of the person detained, any party may have the judgment stayed until the appeal is filed by notifying the judge rendering the judgment that he intends to appeal and upon complying with such terms as to bond or otherwise as the judge deems proper for the security of the person detained. The Court of Appeals may continue, modify or set aside the stay pending the appeal. The appellant may be required to give security for costs.

Section 127. KRS 431.218 is amended to read as follows:

When a judgment sentencing the defendant to death has been affirmed, the mandate shall fix the day of the execution as the fifth Friday following the date of the mandate of the court. The clerk of the *Supreme* Court [of Appeals] shall transmit either by special messenger, certified mail, return receipt requested or by registered mail, a certified copy of the mandate to the proper officer which shall be the authority of such officer to carry the mandate into effect. The officer receiving the copy shall report his action both to the governor and to the circuit court. If from any cause the execution does not take place on the day appointed in the mandate, the governor may from time to time appoint another day for execution until the sentence is carried into effect.

Section 128. KRS 447.154 is amended to read as follows:

*No act creating, repealing, or modifying any statute shall be construed directly, or by implication, to limit the right of the Court of Justice to promulgate rules from time to time or to supersede, modify, or amend any* *rule so promulgated. Nor shall any statute be construed to limit in any manner the power of the Court of Justice to make rules governing practice and procedure in the courts.* [No Act repealing or modifying any statute shall be construed by implication to limit the right of the court to promulgate rules from time to time or to supersede, modify or amend any rule so promulgated. Nor shall KRS 447.151 to 447.157 be construed to limit in any manner the power of the Court of Appeals to make rules governing practice and procedure in the Court of Appeals.]

Section 129. KRS 451.020 is amended to read as follows:

Each circuit court in a county having a population of less than 150,000 and constituting a separate judicial *circuit* [district] may assign for trial all cases, whether ordinary, equitable or criminal, for such days as in its discretion will best conduce to the convenient dispatch of business and may from time to time prescribe and change rules of court regulating the conduct of its business.

Section 130. KRS 451.180 is amended to read as follows:

The bond given by a purchaser of property at a judicial sale shall be made payable to the circuit clerk, except that in courts having continuous session in counties of less than 150,000 population and constituting separate judicial *circuits* [districts] the bond shall be made payable to the commissioner who makes the sale. Proceedings on the bond may be had in the name of the clerk or commissioner to whom it is made payable on the relation of the person interested, and the person interested shall be responsible for the costs. The performance of the bond may be summarily enforced by orders of court, and by proceedings for contempt.

Section 131. KRS 452.220 is amended to read as follows:

(1) If the application for change of venue is made by the state, a petition stating the reasons therefor and signed by the Commonwealth's attorney shall be filed in court. Reasonable notice of the time when the application will be made shall be given in writing to the defendant or, if he is absent from the county, to his attorney.

(2) If the application is made by the defendant, it shall be made by petition in writing, verified by the defendant, and by the filing of the affidavits of at least two other credible persons, not kin to or of counsel for the defendant, stating that they are acquainted with the state of public opinion in the county objected to, and that they verily believe the statements of the petition for the change of venue are true. The Commonwealth's attorney or, in his absence from the county, the county attorney shall be given reasonable notice, in writing, of the application. If objections to all the adjoining counties are made and sustained, the change shall be made to the nearest county to which there is no valid objection, preference being given to counties of the same judicial *circuit* [district].

(3) Applications under this section shall be made and determined upon in open court, during a regular or called term, and the court shall hear all witnesses produced by either party and determine from the evidence whether the defendant is entitled to a change of venue.

Section 132. KRS 452.230 is amended to read as follows:

(1) Whenever any circuit judge is satisfied from his own knowledge and from the written statement of the Commonwealth's attorney of that *judicial circuit* [district] that such a state of lawlessness exists in any county of his *judicial circuit* [district] or that such a high state of excitement or feeling of prejudice exists therein against the defendant that there is apparent danger of mob violence in which loss of life or destruction of property may occur unlawfully, and that a trial in the county cannot be fairly and impartially had, or that the officers of the court may be prevented from discharging their duty or the jurors intimidated or deterred from fairly and impartially rendering a verdict in the case, he may order the action removed to some other county in which a fair trial can be had. The fiscal court of the county from which the removal is made shall pay out of the county treasury the costs of the removal.

(2) A change of venue also may be had on motion of the defendant when the facts exist as set out in subsection (1). The motion may be made by counsel, and the presence of the defendant in court shall be deemed to be waived upon the filing of the written statement of his counsel as set forth in subsection (1) and the affidavit of the defendant, which affidavit shall state that the defendant is in danger of mob violence in the county and for that reason desires a change of venue to some other county, and that he thereby waives his presence on the hearing of the motion for a change of venue.

Section 133. KRS 452.300 is amended to read as follows:

A retransfer as provided in KRS 452.990 may be made upon motion of the Attorney General or of the Commonwealth's attorney of the *judicial circuit* [district] in which the indictment is pending, upon ten days' notice in writing to the defendant in the indictment unless notice is waived in open court by the defendant.

Section 134. KRS 453.180 is amended to read as follows:

In all cases in the Court of Appeals *or Supreme Court* in which it is the duty of the Attorney General to represent the state and the state is the successful party there shall be taxed as costs and paid into the State Treasury twenty dollars.

Section 135. KRS 280.110 is amended to read as follows:

In all matters in which the department of highways has power and authority under KRS 280.010 to 280.100, it may hear applications and complaints, issue subpoenas, compel the attendance of witnesses, require persons to testify under oath, administer oaths, and issue process, orders, opinions and decisions, but from each decision, order or regulation of the department an appeal may be taken to the Franklin Circuit Court, and from that court to the Court of Appeals. [Such appeals to the circuit court or the Court of Appeals shall have precedence of all other cases pending.] The proceedings had before the department and the evidence heard before it shall be certified to the circuit court when an appeal is taken, and no other evidence shall be heard by the circuit court or by the Court of Appeals.

Section 136. KRS 447.151, 447.152, 447.153, 447.156, and 447.157 are repealed.

The Committee Amendment to **HB 731** is as follows:

Amend printed copy of House Bill 731, on page 169, lines 22, 23, 24, 25, and 26, by striking all lines;

and by deleting all of page 170;

and on page 171, by deleting lines 1 through 12;

and on page 171, line 13, by deleting the "121" and substituting in lieu thereof "120";

and on page 174, line 6 by changing "122" to "121";

and on page 175, line 5 by changing "123" to "122";

and on page 176, line 15, by changing "124" to "123";

and on page 177, line 12, by changing "125" to "124";

and on page 177, line 14, by changing "126" to "125";

and on page 178, line 24, by changing "127" to "126";

and on page 179, line 14, by changing "128" to "127";

and on page 180, line 4, by changing "129" to "128";

and on page 180, line 14, by changing "130" to "129";

and on page 181, line 2, by changing "131" to "130";

and on page 182, line 5, by changing "132" to "131";

and on page 183, line 9, by changing "133" to "132";

and on page 183, line 18, by changing "134" to "133";

and on page 183, line 25, by changing "135" to "134";

and on page 184, line 16, by changing "136" to "135";

**SB 162**, AN ACT relating to the Supreme Court of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 21A IS ESTABLISHED AND A NEW SECTION THEREOF CREATED TO READ AS FOLLOWS:

The General Assembly recognizes the inherent right of the Supreme Court and the Chief Justice thereof to control those aspects of the Court of Justice which are reserved to the Supreme Court and the Chief Justice thereof pursuant to Sections 109 through 124 of the Constitution of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The Commonwealth is divided into seven (7) Supreme Court districts composed as follows:

(1) First District: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Simpson, Todd, Trigg and Webster Counties.

(2) Second District: Barren, Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Meade, Ohio, Union and Warren Counties.

(3) Third District: Adair, Anderson, Bell, Casey, Clay, Clinton, Cumberland, Green, Jackson, Knox, Larue, Laurel, Leslie, Lincoln, Marion, McCreary, Metcalfe, Monroe, Nelson, Owsley, Pulaski, Rockcastle, Russell, Spencer, Taylor, Washington, Wayne and Whitley Counties.

(4) Fourth District: Jefferson County.

(5) Fifth District: Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Jessamine, Lee, Madison, Mercer, Powell, Scott and Woodford Counties.

(6) Sixth District: Bath, Boone, Bracken, Campbell, Carroll, Fleming, Gallatin, Grant, Harrison, Henry, Kenton, Lewis, Mason, Nicholas, Oldham, Owen, Pendleton, Robertson, Shelby and Trimble Counties.

(7) Seventh District: Boyd, Breathitt, Carter, Elliott, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Letcher, Magoffin, Martin, Menifee, Montgomery, Morgan, Perry, Pike, Rowan and Wolfe Counties.

SECTION 3. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

Elections for justices of the Supreme Court shall be held at the regular elections, and every eight years thereafter, as follows:

(1) In the fifth district, in 1976;

(2) In the third district, in 1978;

(3) In the seventh district, in 1980; and

(4) In the first, second, fourth and sixth districts, in 1982.

SECTION 4. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) The clerk of the Supreme Court shall be appointed by the Court to serve at its pleasure. The annual salary of the clerk shall be fixed by the Supreme Court.

(2) Before entering upon the duties of his office, the clerk shall take the oath of office prescribed by the Constitution.

(3) The clerk shall perform such duties as the Supreme Court may assign, and shall be bonded to the Commonwealth, for faithful performance of duty, in such manner and in such amount as the Supreme Court shall determine.

(4) The clerk may appoint assistance in the number and at the salaries fixed by the Supreme Court.

(5) The Supreme Court shall adopt a seal. The clerk shall be the keeper of the seal and shall use it upon such documents as the Supreme Court may require.

(6) A fee schedule for services rendered by the clerk shall be fixed by rule of the Supreme Court, except that charges to litigants for the reproduction of appellate records and briefs shall be fixed and administered by the clerk. All fees collected by the clerk shall be remitted to the state treasury.

(7) The auditor of public accounts shall audit the financial accounts of the clerk at least once every year.

SECTION 5. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The Supreme Court may enforce its mandates by fine or imprisonment, or both.

SECTION 6. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) A judgment, order or decree of a lower court may be reversed, modified or set aside by the Supreme Court for errors appearing in the record.

(2) The method of bringing a judgment, order or decree of a lower court to the Supreme Court for review shall be established by Supreme Court rule. The procedures for appellate review shall be established by the Rules of Civil Procedure, Rules of Criminal Procedure and other rules promulgated by the Supreme Court.

SECTION 7. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

If the Supreme Court is equally divided in the decision of a case, the judgment, order or decree of the lower court shall stand affirmed.

SECTION 8. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) All opinions of the Supreme Court shall be published.

(2) The Supreme Court shall determine which opinions of the Court of Appeals and lower courts shall be published.

(3) The Supreme Court shall select the method of publication and the publisher or publishers of the opinions of the Court of Justice.

(4) There shall be no copyright of the opinions.

SECTION 9. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The original or final process of the Supreme Court may be directed to the sheriff of any county.

SECTION 10. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) At the request of the Chief Justice, the Governor may provide through the Kentucky state police such security personnel and services for the Supreme Court and Court of Appeals as shall be necessary.

(2) When the Chief Justice, in his discretion, believes that local law enforcement personnel should be supplemented or superseded by the state police, the Governor may provide through the Kentucky state police the necessary security personnel and services for any person or facility in the Court of Justice.

(3) Notwithstanding the provisions of KRS 16.120, Kentucky state police officers serving the Court of Justice pursuant to subsections (1) or (2) of this section shall have statewide authority when performing any duty related to the Court of Justice. However, in cities where state police would not otherwise be permitted under the provisions of KRS 16.120 because of the lack of a request for the state police by city officials as required by KRS 16.120 the powers of state police officers shall be limited to:

(a) Physical security of court personnel and facilities;

(b) Investigation of threats against court personnel and court facilities; and

(c) Investigation of crimes against court personnel and court facilities.

(d) Personnel so assigned shall have no authority to engage in general criminal investigations or in investigations not specifically related to court security duties and services.

SECTION 11. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The records of the Court of Appeals involving proceedings before that court, prior to January 1, 1976, shall become part of the permanent records of the Supreme Court. Such records shall be given the same faith and credit as are records of the Supreme Court.

SECTION 12. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

Any retired justice or judge assigned to active judicial service pursuant to Section 110(5)(b) of the Constitution shall be compensated for his service as follows:

(1) The salary for each day which the justice or judge serves shall be the difference, if any, between 1/250 of annual retirement benefits and 1/250 of the annual salary for the judicial office in which he performs the judicial duties. However, this section shall not be construed to require a reduction in retirement benefits if the applicable salary would be less than the retirement benefits.

(2) Necessary expenses incidental to the performance of the duties of such assignment shall be paid out of the state treasury upon approval by the Chief Justice or his designee.

SECTION 13. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) If it becomes necessary for the governor to appoint a justice to the Supreme Court pursuant to Section 110 (3) of the Constitution, a person so appointed shall possess the qualifications of a Supreme Court Justice.

(2) The salary for each day which the justice serves shall be 1/250 of the annual salary of a justice of the Supreme Court, except that a retired justice or judge appointed pursuant to this section shall be compensated as provided by Section 12 of this Act and not under this section.

(3) Salary, and necessary expenses incidental to the performance of the duties of such assignment shall be paid out of the state treasury upon approval by the Chief Justice, or his designee.

Section 14. KRS 21.010 to 21.305 is repealed.

Section 15. Subsections (1) and (4) of Section 4 of this Act shall become effective on the first Monday in January, 1980, or on any earlier date upon which the constitutional office of clerk of the Supreme Court becomes vacant. Whereas the new constitutional provisions relating to courts became effective January 1, 1976, an emergency is declared to exist, and this Act, except for subsections (1) and (4) of Section 4, shall become effective upon its passage and approval by the Governor.

The Committee Amendment to Senate Bill 162 is as follows:

Amend printed copy of Senate Bill 162, on page 3, lines 6 and 7, by striking the words "Supreme Court" and substituting in lieu thereof the words "General Assembly"

and on line 16, by striking the word "assistance" and substituting in lieu thereof the word "assistants"

The Committee on Judiciary-Statutes reported **SB 58** with Committee Amendment attached thereto, **HB 519**, and **HB 525** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 58**, AN ACT relating to crime victims.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS Chapter 346 is established and a new section thereof is created to read as follows:
The General Assembly hereby declares that it serves a public purpose and is of benefit to the state to indemnify those needy residents of the Commonwealth of Kentucky who are innocent victims of criminal acts and who suffer bodily injury or death as a consequence thereof. Such persons or their dependents may thereby suffer disability, incur financial hardships and become dependent upon public assistance. To that end, it is the General Assembly's intent that aid, care and support be provided by the state, as a matter of grace, for such victims of crime.

Section 2. A new section of KRS Chapter 346 is created to read as follows:
As used in this Act, unless the context otherwise requires:
(1) "Board" means the crime victims compensation board.
(2) "Claimant" means any of the following claiming compensation under this Act: a victim, a dependent of a deceased victim, a third person other than a collateral source, or an authorized person acting on behalf of any of them.
(3) "Criminally injurious conduct" means conduct that occurs or is attempted in this jurisdiction; poses a substantial threat of personal injury or death, and is punishable by fine, imprisonment or death. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. The operation of a motor vehicle, motorcycle, train, boat aircraft or other vehicle in violation of law does not constitute a criminally injurious conduct unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act.
(4) "Family," when used with reference to a person, shall mean:
(a) Any person related to such person within the third degree of consanguinity or affinity;
(b) Any person maintaining a sexual relationship with such person; or
(c) Any person residing in the same house hold with such person.
(5) "Victim" means a resident of this state who suffers personal injury or death as a result of:
(a) Criminally injurious conduct;
(b) A good faith effort to prevent criminally injurious conduct; or
(c) A good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.

Section 3. A new section of KRS Chapter 346 is created to read as follows:
(1) There is hereby created a board, to be known as the crime victims compensation board. Such board shall consist of five members not all of whom shall be engaged in the same occupation or profession and the said board shall be appointed by the governor.
(2) The term of office of each such member shall be four (4) years, except that of the members first appointed two (2) shall serve for terms of four (4) years, two (2) shall serve for terms of three (3) years and one (1) shall serve for a term of two (2) years, respectively. Any member appointed to fill a vacancy occurring otherwise than by expiration of a term shall be appointed for the remainder of the unexpired term.

(3) The governor shall designate one (1) member of the board as chairman thereof, to serve as such at the pleasure of the governor.

(4) The Governor shall establish the compensation of the members of the board pursuant to the provisions of KRS 64.640.

Section 4. A new section of KRS Chapter 346 is created to read as follows:

The board shall have the following powers and duties:

(1) To establish and maintain necessary offices within this state, appoint employes and agents as necessary and prescribe their duties and compensation.

(2) To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this Act, including rules for the approval of attorney's fees for representation before the board or upon judicial review as provided for in Section 11 of this Act.

(3) To hear and determine all matters relating to claims for compensation, and the power to reinvestigate or reopen claims without regard to statutes of limitations.

(4) To request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to determine whether, and the extent to which, a claimant qualifies for compensation. The statute providing confidentiality for juvenile court records does not apply to proceedings under this Act.

(5) To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers documentary or other evidence. The powers provided in this subdivision may be delegated by the board to any member or employe thereof. If necessary to carry out any of its powers and duties, the board may petition any Circuit Court for an order.

(6) To take or cause to be taken affidavits or depositions within or without the state.

(7) To make available for public inspection all board decisions and opinions, rules, written statements of policy and interpretations formulated, adopted, or used by it in discharging its functions.

(8) To publicize widely the availability of reparations and information regarding the claims therefor.

Section 5. A new section of KRS Chapter 346 is created to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the following persons shall be eligible for awards pursuant to this Act:

(a) A victim of criminally injurious conduct;

(b) A surviving spouse, parent or child of a victim of criminally injurious conduct who died as a direct result of such conduct;

(c) Any other person dependent for his principal support upon a victim of criminally injurious conduct who died as a direct result of such crime.

(2) A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person or a member of the family of such persons shall not be eligible to receive an award with respect to such claim.

(3) No compensation of any kind shall be awarded when injury occurred while the victim was confined in any state, county, urban county, or city jail, prison or other correctional facility, or any state institution maintained and operated by the Department for Human Resources.

Section 6. A new section of KRS Chapter 346 is created to read as follows:

(1) A claim may be filed by a person eligible to receive an award, as provided in Section 5 of this Act, or, if such person is a minor, by his parent or guardian.

(2) A claim must be filed by the claimant not later than ninety (90) days after the occurrence of the criminally injurious conduct upon which such claim is based, or not later than ninety (90) days after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing for a period not exceeding one (1) year after such occurrence.

(3) Claims shall be filed in the office of the board in person or by mail. The board shall accept for filing all claims submitted by persons eligible under subsection (1) of this section and alleging the jurisdiction requirements set forth in this Act and meeting the requirements as to form in the rules and regulations of the board.

(4) Upon filing of a claim pursuant to this Act, the board shall promptly notify the Commonwealth attorney or county attorney of the county wherein the crime is alleged to have occurred. If, within ten (10) days after such notification, such Commonwealth attorney or county attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under this Act until such time as such criminal prosecution has been concluded and shall so notify such commonwealth or county attorney and the claimant. When such criminal prosecution has been concluded such commonwealth or county attorney shall promptly so notify the board.

Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to Section 12 of this Act.

Section 7. A new section of KRS Chapter 346 is created to read as follows:

No award shall be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars ($100) or has lost at least two (2) continuous weeks earning or support. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based.

Section 8. A new section of KRS Chapter 346 is created to read as follows:

(1) A claim, when accepted for filing, shall be assigned by the chairman to himself or to another member of the board. All claims arising from the death of an individual as a direct result of a crime shall be considered together by a single board member.

(2) The board member to whom such claim is assigned shall examine the papers filed in support of such claim. The board member shall thereupon cause an investigation to be conducted into the validity of such claim. Such investigation shall include, but not be limited to, an examination of police, court, and official records and reports concerning the crime.

(3) If the mental, physical, or emotional condition of a victim or claimant is material to a claim, the board member may order the victim or claimant to submit to a mental or physical examination by a physician or psychiatrist, and may order an autopsy of a deceased victim. A report upon such examination shall be filed with the board member setting out findings, including results of all tests made, diagnosis, prognosis and other conclusions.

(4) For purposes of this Act there is no privilege except privileges arising from the attorney-client relationship, as to communications or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under this Act in which that condition is an element.

(5) Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted, or found not guilty of the crime in question owing to criminal irresponsibility or other legal exemption.

(6) The board member to whom a claim is assigned may decide such claim in favor of a claimant in the amount claimed on the basis of the papers filed in support thereof and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of such papers and such report, he shall order a hearing. At such hearing any relevant evidence, not legally privileged, shall be admissible.

(7) After examining the papers filed in support of such claim and the report of investigation, and after a hearing, if any, the board member to whom such claim was assigned shall make a decision either granting an award pursuant to Section 13 of this Act or deny the claim.

(8) The board member making a decision shall file a written report setting forth such decision and his reasons therefor and shall thereupon cause the claimant to be notified and furnish him a copy of such report.

Section 9. A new section of KRS Chapter 346 is created to read as follows:

(1) The claimant may, within thirty (30) days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration of such decision by the full board.

(2) Any member of the board may, within thirty (30) days after the filing of such report, make an application in writing to the board for consideration of such decision by the full board.

(3) Upon receipt of an application pursuant to subsections (1) or (2), the board shall review the record and affirm or modify the decision of the board member to whom the claim was assigned. The action of the board in affirming or modifying such decision shall be final. The board shall file with the secretary of the board a written report setting forth its decision, and if such decision varies in any respect from the report of the board member to whom the claim was assigned setting forth its reasons for such decision. If the board receives no application pursuant to subsections (1) and (2) of this section the decision of the board member to whom the claim was assigned shall become the final decision of the board.

(4) The board shall promptly notify the claimant and the attorney general of the final decision of the board and furnish each with a copy of the report setting forth such decision.

Section 10. A new section of KRS Chapter 346 is created to read as follows:

Following the initial filing of a claim, if a claimant or victim does not take such further steps as may be necessary to support or perfect the claim as may be required by the board within thirty (30) days after such requirement is made by the board, the claimant or victim shall be deemed in default. In such case the board shall summarily deny the claim and the claimant or victim shall be forever barred from reasserting the claim. The board may remit such proceedings on good cause shown that the failure to take the steps required by the board was totally and completely beyond the control of the claimant or victim.

Section 11. A new section of KRS Chapter 346 is created to read as follows:

(1) Within thirty (30) days after receipt of the copy of the report containing the final decision of the board, the attorney general or claimant may commence a proceeding in the Franklin Circuit Court to review the decision of the board. Such proceeding shall be heard in a summary manner and shall have precedence over all other civil cases in such court.

(2) Any such proceeding shall be commenced by the service of notice thereof upon the claimant or attorney general and the board in person or by mail.

Section 12. A new section of KRS Chapter 346 is created to read as follows:

(1) Notwithstanding the provisions of Section 8 of this Act, if it appears to the board member to whom a claim is assigned, prior to taking action upon such claim that:

(a) Such claim is one with respect to which an award probably will be made; and

(b) Undue hardship will result to the claimant if immediate payment is not made. Emergency payment under subsection (2) of this section may be made.

(2) Upon such findings under subsection (1) of this section the board member may make an emergency award to the claimant pending a final decision in the case provided that:

(a) The amount of such emergency award shall not exceed five hundred dollars ($500);

(b) The amount of such emergency award shall be deducted from any final award made to the claimant; and

(c) The excess of the amount of such emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board.

Section 13. A new section of KRS Chapter 346 is created to read as follows:

(1) No award shall be made unless the board or board member, as the case may be, finds that:

(a) Criminally injurious conduct occurred;

(b) Such criminally injurious conduct resulted in personal physical injury to or death of, the victim; and

(c) Police records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless the board for good cause shown, finds the delay to have been justified.

(2) The board upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, shall exclude therefrom the initial one hundred dollars ($100) of losses incurred and shall deny, reconsider, or reduce an award.

(3) Any award made pursuant to this Act shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury.

(4) Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this article be in an amount equal to the actual loss sustained; provided, however, that no such award shall exceed one hundred fifty dollars ($150) for each week of lost earnings or support. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct the award shall be apportioned by the board among the claimants.

(5) Any award made under this Act shall not exceed fifteen thousand dollars ($15,000).

Section 14. A new section of KRS Chapter 346 is created to read as follows:

(1) Any award made pursuant to this Act shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from the following sources:

(a) From or on behalf of the person who committed the crime;

(b) Under insurance programs mandated by law;

(c) From public funds;

(d) Under any contract of insurance wherein the claimant is the insured or beneficiary; and

(e) As an emergency award pursuant to Section 12 of this Act.

(2) In determining the amount of an award, the board or board member, as the case may be shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the board or board member shall reduce the amount of the award or reject the claim altogether, in accordance with such determination; provided, however, that the board or board member, as the case may be, may disregard for this purpose the responsibility of the victim for his own injury where the record shows that such responsibility was attributable to efforts by the victim to prevent a crime or an attempted crime from occurrence in his presence or to apprehend a person who had committed a crime in his presence or had in fact committed a felony.

(3) If the board or board member, as the case may be, finds that the claimant will not suffer serious financial hardships, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury, if not granted financial assistance pursuant to this Act to meet such loss of earnings, support or out-of-pocket expenses, the board or board member shall deny an award. In determining such serious financial hardship, the board or board member shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardships.

Section 15. A new section of KRS Chapter 346 is created to read as follows:
(1) The award shall be paid in a lump sum, except that in the case of death or protracted disability the award shall provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this Act shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim.
(2) The board shall reconsider at least annually every award being paid in installments. An order or reconsideration of an award shall not require refund of amounts previously paid unless the award was obtained by fraud.

Section 16. A new section of KRS Chapter 346 is created to read as follows:
The record of a proceeding before the board or a board member shall be a public record; provided, however, that any record or report obtained by the board, the confidentiality of which is protected by any other law or regulation, shall remain confidential subject to such law or regulation.

Section 17. A new section of KRS Chapter 346 is created to read as follows:
(1) No right of action at law against a person who has committed a criminal act for damages as a consequence of such act shall be lost as a consequence of receiving benefits under the provisions of this chapter. In the event any person receiving benefits under this chapter additionally seeks a remedy for damages from the person or persons who have committed the criminal act resulting in damages, then and in that event the board shall be subrogated to and have a lien upon any recovery so made to the extent of the payments made by the state to or on behalf of such person under this chapter.
(2) If compensation is awarded, the state is subrogated to all the claimant's rights to receive or recover benefits or advantages, for economic loss for which and to the extent only that compensation is awarded from a source which is, or, if readily available to the victim or claimant would be, a collateral source.

Section 18. A new section of KRS Chapter 346 is created to read as follows:
(1) Any payment of benefits to or on behalf of a victim under this chapter creates a debt due and owing to the state by any person found to have committed such criminal act in either a civil or criminal court proceeding in which he is a party.
(2) The Court when placing any convicted person, who owes a debt to the state as a consequence of a criminal act, on probation and conditional discharge as provided in KRS 533.020 may set as a condition of the probation or conditional discharge the payment of the debt to the state. The Court also may set the schedule or amounts of payments to be made subject to modification based on change of circumstances.
(3) The Parole Board shall also have the right to make payment of the debt to the state a condition of parole under the provisions of KRS Chapter 439 subject to modification based on change of circumstances.

The Committee Amendment to **SB 58** is as follows:

Amend printed copy of Senate Bill 58, on page 13, line 24, by deleting ", shall exclude therefrom the initial one hundred dollars ($100) of losses incurred and";

and on page 14, line 1, before the word "shall" by adding the words "shall exclude therefrom the initial one hundred dollars ($100) of losses incurred and".

**HB 519,** AN ACT relating to noise pollution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 224.996 is amended to read as follows:
(1) Any person who violates any of the provisions of KRS 224.710 to 224.800 or who fails to perform any duties imposed by KRS 224.710 to 224.800, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty of not to exceed the sum of one thousand dollars

($1,000) for said violation, and an additional civil penalty of not to exceed one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the commonwealth of Kentucky by the attorney general, *or in an action brought by the county attorney or commonwealth's attorney as provided in KRS 224.760(2).*

(2) It shall be the duty of the attorney general, upon the request of the department, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of KRS 224.710 to 224.800 or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any finding of the agency shall be prima facie evidence of the fact or facts found therein.

(3) (a) Any person who shall wilfully violate any of the provisions of KRS 224.710 to 224.800 or any determination or order of the department promulgated pursuant to those sections which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(b) For violations by motor vehicles, the fine shall be not less than ten dollars ($10) nor more than fifty dollars ($50) for a first offense, and not less than fifty dollars ($50) nor more than one hundred dollars ($100) for each subsequent offense.

(4) The authority herein vested in the attorney general, upon request of the department, to bring actions for injunctions for violations of KRS 224.710 to 224.800 or of any regulation, or order issued thereto, shall be exclusive. Nothing herein contained shall abridge the right of any person to recover actual compensatory damages resulting from any such violation.

**HB 525,** AN ACT relating to alibi defenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 500 IS CREATED TO READ AS FOLLOWS:

(1) The defendant in a criminal case who proposes to offer testimony to establish an alibi on his behalf shall at least ten (10) days prior to the day of trial or at such later time as the court may for good cause permit, serve upon the prosecuting attorney a notice in writing of his intentions to claim said alibi. The notice shall include specific information as to the place at which the defendant claims to have been at the time of the alleged offense and the names and addresses of witnesses the defendant intends to call as witnesses on his behalf to establish his alibi.

(2) The defendant shall be under a continuing duty to promptly disclose the names and addresses of additional alibi witnesses which come to his attention. If the defendant fails to file such written notice, the court may exclude evidence offered by the defendant for the purposes of providing an alibi, except the testimony of the defendant himself, unless the court determines that in the interest of justice the testimony should be admitted.

The Committee Amendment to **HB 525** is as follows:

Amend printed copy of House Bill 525, on page 1, line 14, after the word "defendant" insert the words "and plaintiff";

and on page 1, line 17, after the word "defendant" insert the words "or plaintiff";

and on page 1, line 18, after the word "defendant" insert the words "or plaintiff".

The Committee on Rules reported **HB 422, HB 467, HB 517, HB 564, HB 585** with Committee Amendment attached thereto, **HB 593** with Committee Amendment attached thereto, **HB 646, SB 17, SB 113,** and **SB 167** have been posted for passage in Orders of the Day, March 4, 1976.

The Committee on Rules reported **HB 31,** with Committee Substitute attached thereto, has been recommitted to the Committee on Appropriations and Revenue.

The Committee on Rules reported **HB 161, HB 276, HB 283,** and **HB 414** have been recommitted to the Committee on Elections and Constitutional Amendments.

The Committee on Rules reported **HB 500** has been recommitted to the Committee on Appropriations and Revenue.

The Committee on Rules reported **HB 477** has been recommitted to the Committee on Judiciary-Statutes.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 192, HB 366, HB 606, HB 628, HB 629,** HB 635, **HB 637, HB 656, HB 669, SB 1,** and **SB 144, HB 743.**

Banking and Insurance: **HB 752.**

Cities: **HB 753.**

Counties and Special Districts: **HB 66.**

Elections and Constitutional Amendments: **HB 448, HB 463, HB 575, HB 576, HB 750, HR 65, HR 75.**

Health and Welfare: **HB 81, HB 730, HB 733, HB 758.**

Highways and Traffic Safety: **HB 728, HCR 74, HB 581, HB 570.**

Judiciary-Statutes: **HB 617, HB 746, HB 755.**

Labor and Industry: **HB 127, HB 727, SB 32.**

The Clerk announced the following Bill was withdrawn from Committee consideration:

Labor and Industry: **HB 571.**

## Calendar

**HB 566, HB 600, HB 64** with Committee Substitute attached thereto, **HB 631, HB 663, HB 716** with Committee Substitute attached thereto, **HR 58, SB 181, HB 241, HB 281, HB 284** with Committee Amendment attached thereto, **HB 320, HB 333, HB 705, HB 732** with Committee Amendment attached thereto, **HB 471, HB 518, HB 560, HB 562, HB 567, HB 573, HB 706, HB 453** with Committee Substitute attached thereto, **HB 137** with Committee Substitute attached thereto, HB 138 with Committee Substitute attached thereto, **HB 149, HB 363, HB 437, HB 625** with Committee Amendments attached thereto, **HB 694, HJR 66, SB 100** with Committee Amendment attached thereto, **SB 118** with Committee Amendments attached thereto, **SB 147,** and **HB 383** with Committee Amendment attached thereto, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

## Motions, Petitions and Communications

The following meetings were announced:

Judiciary-Statutes, 1:30 p.m., March 4, 1976, Room 307.

Cities, Friday, March 5, 1976, on adjournment, Room 305.

Representative Givhan moved that the rules be suspended to allow the time limit for posting **HB 755** to be waived. Agreed.

The following members filed Floor Amendments to Bills and Resolutions: Representative Maynard, Floor Amendment No. 1 to **HB 500;** Representative B. Richardson, Floor Amendment No. 1 to **HJR 24;**

Representative Stephens, Floor Amendment No. 1 to **HB 732;** Representative Lindsay, Floor Amendment No. 1 to **HB 129;** Representative Arnold, Floor Amendment No. 1 to **HB 436;** Representative Yates, Floor Amendment No. 1 to **HB 394.**

### Recess

Representative Donnermeyer moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved the adoption of the following **HR 82.**

**HR 82,** A RESOLUTION commending William Barrow Floyd, Curator of the Old Capitol Restoration.

WHEREAS, the Old Capitol, completed in 1830, remains the masterpiece of the distinguished Kentucky architect Gideon Shryock;

WHEREAS, the edifice is constructed of Kentucky River Marble, hand quarried in Frankfort, and served as the Kentucky Capitol until the present new Capitol was occupied in 1909;

WHEREAS, the Old Capitol represents the preeminent archetype of Greek Revival architecture in America's statehouses;

WHEREAS, the restoration of the Old Capitol began in 1972, under the skillful guidance and capable leadership of Mr. William Barrow Floyd, a native Kentuckian;

WHEREAS, the dedicated and tireless efforts of Mr. Floyd have culminated in the splendid restoration of the Old Capitol to its original magnificence;

WHEREAS, we, the members of the House of Representatives, and our distinguished colleagues in the Senate of the Commonwealth of Kentucky were personal witness to the original and restored elegance and purpose of the Old Capitol when a joint session of the General Assembly was convened there on January 26, 1976, the first such session to be held in the Old Capitol since 1908;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That Curator William Barrow Floyd be commended for his brilliant contribution to the Commonwealth in the restoration of the Old Capitol to its historic and aesthetic originality.

Acknowledging the extensive research by Curator Floyd, the Members of the House of Representatives of the Commonwealth of Kentucky, express our gratitude for William Barrow Floyd's personal and professional contribution to the perpetuation of the Commonwealth's heritage.

Agreed.

Representative Lindsay moved the adoption of the following **HR 81:**

**HR 81,** A RESOLUTION honoring the 1975 Western Kentucky University Hilltoppers football team.

WHEREAS, the Western Kentucky University Hilltoppers football team has been runner-up in the NCAA Division II National Championship in both 1973 and 1975; and

WHEREAS, such accomplishments have enabled the Western Kentucky University football team to represent the state before a national television audience during the Camellia Bowl; and

WHEREAS, the Hilltoppers have honorably represented the Commonwealth of Kentucky in their championship appearances; and

WHEREAS, the coaches and players have sacrificed in their diligent efforts to achieve national recognition and ranking; and

WHEREAS, it is the desire of the House of Representatives to congratulate and honor the Western Kentucky University football team;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives does hereby congratulate and honor the Hilltoppers football team of the Western Kentucky University for its success in the NCAA Division II National Championship.

Section 2. That coach Jimmy Feix and the Captains of the 1975 Western Kentucky University Hilltopper football team be and are hereby extended an invitation to attend the 1976 Regular Session of the House of Representatives of the Kentucky General Assembly, and further that they be granted privilege of the floor and be extended an invitation to speak before this chamber during such visit.

Section 3. That the Clerk of the House of Representatives is hereby directed to forward copies of this resolution to Dr. Dero Downing, President; Johnny Oldham, Athletic Director; and Jimmy Feix, Head Football Coach of Western Kentucky University.

Agreed.

Representative Burnette requested that **HB 751** be withdrawn. Agreed.

The following requests were made in regard to voting:

The following members requested that they be recorded as voting as follows: Representative Wible, "yea" on **HB 251,** "yea" on **HB 122;** Representative Dietz, "yea" on **HB 533;** Representative Freeman, "yea" on **HB 533;** Representative Ackerson, "nay" on **HB 408;** Representative Deskins, "yea" on **SB 60,** "nay" on **SB 122.**

Representative Deskins requested that his vote be changed from "yea" to "nay" on **HB 568.**

Representative Givhan moved the adoption of the following Legislative Citation No. 34:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Bullitt Central High School Speech Club and congratulates them on having won the Sweepstakes Trophy for overall showing at the St. Xavier High School Speech Tournament on February 28, 1976. This body applauds the individual honors won by the team members, and commends the talent and efforts of the group and Coach Barbara Elliott in attaining this honor. (Sponsored by Representative Givhan)

Agreed.

Representative Clarke moved that **HB 4** be recommitted to the Committee on Appropriations and Revenue. Agreed.

Representative Kidd requested that her name be added as a co-sponsor of **HR 79.** Agreed.

Representative Richards moved the adoption of the following Legislative Citation No. 41:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates Western Kentucky University Hilltopper Basketball team for their championship victory in the Ohio Valley Basketball Conference on Saturday, February 28, 1976. This body commends the members of the team and the coaching staff for their excellence in basketball competition which has brought honor to the Commonwealth. (Sponsored by Representative Richards)

Agreed.

Representative Kleier moved that the rules be suspended to allow the time limit for posting **HB 81, HB 753,** and **HB 758** to be waived. Agreed.

Representative Dunn moved that the rules be suspended to allow the time limit for posting **HB 448, HB 463, HB 575, HB 576, HB 750, HR 65,** and HR 75 to be waived. Agreed.

Representative Donnermeyer moved the adoption of the following **HR 80:**

**HR 80,** A RESOLUTION in recognition and support of the Bicentennial Army Reserve Recruiting Achievement Program (BARRAP) of the 487th Engineer Battalion, in Ft. Thomas, Kentucky.

WHEREAS, the 487th Engineer Battalion of the United States Army Reserve is involved in community service projects such as clearing wooded areas in Ft. Thomas and Alexandria for recreational purposes; and

WHEREAS, the 487th Engineer Battalion has designated March and April, 1976, for its recruiting drive to be called the Bicentennial Army Reserve Recruiting Achievement Program (BARRAP); and,

WHEREAS, the 487th Engineer Battalion hopes to recruit two-hundred-sixty (260) men and women during its bicentennial drive; and,

WHEREAS, the 487th Engineer Battalion has the potential to provide an input of 1.5 million dollars into the local economy when they reach their recruitment capacity; and,

WHEREAS, the activities of the 487th Engineer Battalion of the United States Army Reserve are of great assistance and importance to the community of Ft. Thomas and the surrounding community;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the members of the House of Representatives recognize and commend the officers and personnel of the 487th Engineer Battalion in Ft. Thomas, Kentucky, for their community service and lend encouragement and support to the Bicentennial Army Reserve Recruiting Achievement Program.

Section 2. That the Clerk of the House of Representatives be directed to deliver a copy of this resolution to Captain Vernon F. Nieporte, Adjutant of the 487th Engineer Battalion of the U.S. Army Reserve in Ft. Thomas, Kentucky.

Agreed.

Representative Siemens requested that he be recorded as voting "yea" on **HB 374.**

Representative Hopkins requested that he be recorded as voting "yea" on **HB 524.**

Representative B. Adams requested that he be recorded as voting "yea" on **HB 122.**

Representative Mann requested that his name be removed as co-sponsor of **HB 518.**

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 210, HB 287, HB 358, SB 122,** SCR 6, **SB 117, SB 60, SB 98,** and **SB 20** had been examined and found correctly enrolled. **HB 210, HB 287, HB 358, SB 122, SCR 6, SB 117, SB 60, SB 98,** and **SB 20** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day

**HB 248** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment to **HB 248.** Agreed.

Representative Richards moved the adoption of the following Floor Amendment No. 1 to **HB 248:**

Amend printed copy of House Bill 248, on page 1, line 7, the words "a minimum of" and inserting in lieu of the words "up to"

Agreed.

Representative Richards moved that **HB 248,** as amended be passed.

On the roll call the vote was yeas 90-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 248,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 248,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 447** taken from the Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **HB 447** be passed.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Wells, Wible, Wooden, Yates. Nays 6-Blair, Clarke, Denham, Pearl, Vincent, Wright.

**HB 447** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 447** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 455** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Mann, Mason, May, Maynard, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 4-W. Allen, Hopkins, Lindsay, Little.

**HB 455** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 455** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 532** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved that **HB 532** be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Hancock, Hardwick, Head, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Mann, Mason, May, Maynard, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 5-DeMarcus, Deskins, Lindsay, Little, Thomas.

**HB 532** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 532** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 549** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 549.**

Amend printed copy of House Bill 549, on page 8, lines 17-26, and page 9, lines 1-3 by deleting the underlining in those lines;

and on page 9, line 4 by deleting the underlining under the words "KRS 136.120,";

and on page 10, line 8 by deleting the word "*Section*" and substituting in lieu thereof the word " *subsection*";

and on page 25, line 11 before "(9)" a "*(8)* [" and by inserting after the "(9)" a "]";

and on page 41, line 20 by inserting " [ ]" around the words "executed after December 31, 1965".

Agreed.

Representative B. Richardson moved that **HB 549** as amended be passed.

On the roll call the vote was yeas 75-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stewart, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 8-A. S. Adams, W. Allen, Cooper, Dawahare, Denham, Hopkins, Maynard, Overstreet.

**HB 549,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 549,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 563** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its pasage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Holloway, Hughes, Imes, Isler, Kenton, Kidd. King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett. O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stewart, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden. Nays 12-Ackerson, W. Allen, Blair. Crupper, Denham, Hardwick, Holbrook, Hopkins, Hurst, Pearl, Rattliff, Siler.

**HB 563** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 563** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 569** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 569** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 569** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 558** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved the adoption of the Committee Amendment No. 1 to **HB 558.** Agreed.

Representative Blume moved the adoption of the Committee Amendment No. 2 to **HB 558.** Agreed.

Representative Blume moved the adoption of the Committee Amendment No. 3 to **HB 558.** Agreed.

Representative Blume moved that **HB 558,** as amended, be passed.

On the roll call the vote was yeas 61-Ackerson, A. S. Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Blume, Blythe, Brown, Carpenter, Clapp, Cooper, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Head, Holbrook, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Priddy, B. Richardson, Romines, Sale, Siemens, Siler, Stewart, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Yates. Nays 21-Arnold, Beshear, Brinkley, Bruce, Burnette, Clarke, Guenthner, Hardwick, Hopkins, Hurst, Lindsay, Mason, Morris, Nett, O'Brien, Overstreet, Rattliff, Richards, Robinson, R. Turner, Wright.

**HB 558,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 558,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 61** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HB 61** be passed.

Representative Blythe moved the adoption of the Committee Substitute for **HB 61.**

On the roll call the vote was yeas 19-J. Allen, Bendl, Benson, Blume, Blythe, Clarke, DeFalaise, Foster, Gray, Hancock, Holbrook, Kidd, Kleier, LeMaster, McGill, Morgan, Schmidt, Siemens, Wooden. Nays 49-B. Adams, Arnold, Blair, Boatwright, Brinkley, Bruce, Burnette, Cooper, Crupper, DeMarcus, Denham, Deskins, Doss, Fitzgerald, Floyd, Freeman, Gay, Givhan, Guenthner, Hardwick, Head, Holloway, Hughes, Jones, Kenton, King, Little, May, McBee, McBride, Morris, Muncy, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Siler, Stewart, Thomas, R. Turner, Vincent, Wells, Wible, Wright, Yates.

The motion that the Committee Substitute for **HB 61** be adopted was rejected.

Representative Blythe moved that consideration of **HB 61** be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 33-Ackerson, Bendl, Benson, Beshear, Blume, Blythe, Brown, Carpenter, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Denham, Foster, Guenthner, Hancock, Holbrook, Hopkins, Imes, Isler, Kleier, LeMaster, Mann, Mason, McGill, Morgan, Pearl, Sale, Schmidt, Siemens, Thomas, Wooden. Nays 44-B. Adams, J. Allen, Arnold, Blair, Blandford, Boatwright, Brinkley, Bruce, Burnette, Clapp, Cooper, DeMarcus, Deskins, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Gray, Hardwick, Head, Holloway, Hughes, Kenton, King, May, McBee, McBride, Morris, Muncy, O'Brien, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Siler, R. Turner, Vincent, Wells, Wible, Wright, Yates.

The motion that consideration of **HB 61** be deferred and that it retain its position in Orders of the Day was rejected.

Representative Bruce moved that **HB 61** be laid on the table.

On the roll call the vote was yeas 58-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Blandford, Boatwright, Brinkley, Bruce, Burnette, Clapp, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Freeman, Gray, Head, Hughes, Imes, Isler, Jones, King, Little, Mason, May, McBee, McBride, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wright. Nays 16-Bendl, Benson, Beshear, Blair, Blume, Blythe, Clarke, Hancock, Holbrook, Hopkins, Kenton, Kleier, LeMaster, Mann, Schmidt, Wooden.

**HB 61** was tabled.

**HB 539** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hughes moved the adoption of the following Floor Amendment No. 2 to **HB 539:**

Amend printed copy of House Bill 539, on page 1, by inserting after line 19, the following:

"(5) Any ordinance levying a supplemental tax pursuant to subsection (2) of this section may be recalled as provided in subsections (2) and (3) of KRS 160.485, provided that the petition for recall shall be effective upon the signature of a number of registered and qualified voters as described therein equal to five percent (5%) instead of the percentage provided therein."

Agreed.

Representative Siemens moved that **HB 539,** as amended, be passed.

Representative McBride moved that **HB 539,** as amended, be laid on the Clerk's desk.

On the roll call the vote was yeas 67-Ackerson, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright. Brinkley, Brown, Carpenter, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Doss, Dunn, Foster, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mason, May, McBee, McBride. McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Tobin, Thomas, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 12-Burnette, Cooper, Dawahare, Donnermeyer, Fitzgerald, Freeman, Gay, Hancock, Hughes, Mann, Robinson, White.

The motion that **HB 539,** as amended, be laid on the Clerk's desk was adopted.

**HB 129** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved that **HB 129** be passed.

On the roll call the vote was yeas 46-Ackerson, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Boatwright, Brinkley, Brown, Clapp, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Givhan, Gray, Head, Isler, Kenton, Kidd, King, Kleier, Lindsay, Mann, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Priddy, B. Richardson, Romines, Siemens, Tobin, Thomas, Wible, Wooden, Wright, Yates. Nays 38-B. Adams, A. S. Adams, Arnold, Blair, Blythe, Burnette, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Denham, Floyd, Foster, Freeman, Gay, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Imes, Jones, Mason, May, Pearl, Rattliff, Richards, P. Richardson, Robinson, Sale, Schmidt, Siler, R. Turner, Vincent, Wells, White.

**HB 129** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 129** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 406** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved that **HB 406** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 3-Blair, Holbrook, Lindsay.

**HB 406** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 406** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 28** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SB 28** be passed.

On the roll call the vote was yeas 89-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Stewart, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 28** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 28** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 99** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Stewart, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 99** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 99** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 119** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 47-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Hancock, Hurst, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, McBee, McBride, McGill, Nett, O'Brien, B. Richardson, Sale, Schmidt, Stephens, Thomas, Vincent, Wells, White, Wible, Wooden. Nays 39-Ackerson, B. Adams, A. S. Adams, Blair, Blythe, Brown, Burnette, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Floyd, Freeman, Gay, Gray, Guenthner, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Lindsay, Mason, May, Morris, Muncy, Overstreet, Pearl, Priddy, Richards, P. Richardson, Robinson, Siler, Stewart, Tobin, Wright.

**SB 119** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 119** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 436** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative B. Richardson moved that **HB 450** be taken from Orders of the Day and read by title and sponsors only. Agreed.

Representative R. Brown moved that **HB 450** be recommitted to the Committee on Appropriations and Revenue. Agreed.

**SB 101** taken from orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 2-Holbrook, Robinson.

**SB 101** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 101** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 150** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Clapp, Clarke, Craddock, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gray, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Richards, B. Richardson, Romines, Stephens, Stewart, Tobin, Thomas, Vincent, Wells, White, Wooden, Yates. Nays 26-Beshear, Blair, Carpenter, Cooper, Crupper, Cyrus, DeFalaise, Denham, Freeman, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Mason, Overstreet, Priddy, Rattliff, P. Richardson, Robinson, Sale, Schmidt, Siler, R. Turner, Wible.

**SB 150** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 150** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 171**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wooden moved the adoption of the Committee Amendment No. 1 to **HB 171**. Agreed.

Representative Wooden moved that **HB 171**, as amended, be passed.

On the roll call the vote was yeas 51-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Doss, Dunn, Fitzgerald, Givhan, Gray, Hancock, Head, Hughes, Kenton, Kidd, Kleier, LeMaster, Mann, McGill, Morris, Priddy, Richards, B. Richardson, Sale, Schmidt, Siemens, Stephens, Thomas, Wible, Wooden, Yates. Nays 26-J. Allen, W. Allen, Blair, Burnette, Crupper, Freeman, Gay, Holbrook, Holloway, Hopkins, Imes, Jones, Little, Mason, McBride, Muncy, O'Brien, Pearl, Rattliff, Robinson, Siler, Tobin, R. Turner, Vincent, White, Wright.

**HB 171**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 171**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

Speaker Pro Tempore Clapp, presiding.

**HB 168**, by way of Committee Substitute as amended by Committee Amendment No. 1 and Floor Amendment No. 3, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Romines moved the adoption of the following Floor Amendment No. 4 to the Committee Substitute for **HB 168:**

Amend printed copy of Committee Substitute for House Bill 168, on page 1, by adding: (5) This Act pertains only to county school districts containing a city of the first class

Agreed.

Representative Romines moved the adoption of the Previous Question on HB 168, by way of Committee Substitute as amended.

On the roll call the vote was yeas 55-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Brinkley, Burnette, Clapp, Cooper, Craddock, Cyrus, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Holloway, Hughes, Hurst, Imes, Isler, Kleier, LeMaster, Little, May, Maynard, McBee, Morgan, Muncy, O'Brien, Priddy, Rattliff, B. Richardson, Robinson, Romines, Siler, Stephens, Thomas, Vincent, Wells, White, Wooden, Wright, Yates. Nays 13-Bendl, Benson, Beshear, Blume, Crupper, Hopkins, Kidd, King, Mann, Mason, McGill, Morris, Wible.

The motion that the Previous Question be adopted on **HB 168,** by way of Committee Substitute as amended, be adopted was adopted.

Representative Romines moved that **HB 168,** by way of Committee Substitute as amended, be passed.

Representative Blume moved that **HB 168,** by way of Committee Substitute as amended, be laid on the table.

On the roll call the vote was yeas 26-Bendl, Benson, Beshear, Blair, Blandford, Blume, Blythe, Brown, Clarke, Crupper, Dietz, Fitzgerald, Hancock, Kidd, King, LeMaster, Mann, McBee, McBride, McGill, Morris, P. Richardson, Schmidt, Stephens, Tobin, Wible. Nays 43-Ackerson, B. Adams, A. S. Adams, W. Allen, Bennett, Boatwright, Brinkley, Bruce, Burnette, Cooper, Cyrus, Dawahare, DeFalaise, Donnermeyer, Dunn, Freeman, Gay, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Lindsay, May, Muncy, O'Brien, Priddy, Rattliff, Richards, Robinson, Romines, Siemens, Siler, Thomas, R. Turner, Vincent, Wooden, Wright, Yates.

The motion that **HB 168,** by way of Committee Substitute as amended, be laid on the table was rejected.

On the roll call the vote was yeas 51-Ackerson, A. S. Adams, J. Allen, W. Allen, Bennett, Blair, Boatwright, Brinkley, Bruce, Burnette, Clapp, Cooper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Floyd, Freeman, Gay, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Little, Mason, May, Maynard, Muncy, O'Brien, Overstreet, Priddy, Rattliff, B. Richardson, Robinson, Romines, Siemens, Siler, Thomas, Vincent, Wooden, Wright, Yates. Nays 26-Bendl, Benson, Beshear, Blandford, Blume, Blythe, Clarke, Crupper, Dietz, Fitzgerald, Hancock, Isler, Kidd, King, Kleier, Mann, McBee, McBride, McGill, Morris, Nett, Pearl, P. Richardson, Tobin, R. Turner, Wible.

**HB 168,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 168,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed immediately. Agreed.

**HB 11,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved the adoption of the Committee Amendment to **HB 11.** Agreed.

Representative O'Brien moved that **HB 11,** as amended, be passed.

On the roll call the vote was yeas 58-Ackerson, B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Clarke, Crupper, Cyrus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holloway, Hughes, Imes, Isler, Kleier, LeMaster, Mann, Mason, May, Maynard, McBride, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Richards, P. Richardson, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, Wells, Wible, Wooden, Wright, Yates. Nays 18-W. Allen, Blair, Burnette, Cooper, Deskins, Doss, Fitzgerald, Freeman, Gay, Holbrook, Hopkins, Hurst, Jones, Lindsay, McBee, Overstreet, B. Richardson, Robinson.

**HB 11,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 11,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 526** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HB 526** be passed.

On the roll call the vote was yeas 71-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, Maynard, McBride, McGill, Morris, Muncy, O'Brien, Overstreet, Priddy, Richards, B. Richardson, Robinson, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, White, Wible, Wooden, Wright, Yates. Nays 2-Denham, Pearl.

**HB 526** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 526** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 540** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **HB 540** be passed.

On the roll call the vote was yeas 56-Ackerson, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Bruce, Carpenter, Cyrus, Dawahare, DeFalaise, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Hopkins, Hughes, Imes, Isler, Kidd, Kleier, LeMaster, Mann, May, Maynard, McBee, McBride, Morgan, Morris, Muncy, O'Brien, Priddy, Richards, B. Richardson, Sale, Schmidt, Siemens, Siler, Thomas, R. Turner, White, Wible, Wright, Yates. Nays 23-B. Adams, W. Allen, Boatwright, Burnette, DeMarcus, Denham, Deskins, Freeman, Gay, Guenthner, Hardwick, Holbrook, Holloway, Hurst, Jones, King, Lindsay, Mason, Overstreet, Pearl, Robinson, Stephens, Vincent.

**HB 540** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 540** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HCR 14** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved that **HCR 14** be passed.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Overstreet.

**HCR 14** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 14** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions, Report of Committees, and Posting of Bills and Resolutions for Consideration. Agreed.

## Introduction of Bills and Resolutions

**HB 780,** by Representatives Richards, Wooden, B. Adams, and DeFalaise: AN ACT relating to licensing of operators of motor vehicles, motorcycles and motorized bicycles.

**HB 781,** by Representative Mason: AN ACT relating to sovereign immunity.

**HB 782,** by Representative B. Richardson: AN ACT relating to the depositories for state funds.

**HB 783,** by Representative B. Richardson: AN ACT relating to libraries.

**HB 784,** by Representatives Deskins and J. Allen: AN ACT relating to state representative districts.

**HB 795,** by Representatives Morris and Bruce: AN ACT relating to bicycles.

**HB 796,** by Representative McGill: AN ACT relating to state contracts.

**HB 797,** by Representative Stewart: AN ACT relating to pension systems for city employes.

**HB 798,** by Representative Mann: AN ACT relating to police in cities of the second class.

**HR 83,** by Representative Wible: A RESOLUTION relating to coal roads.

## Report of Committees

The Committee on Appropriations and Revenue reported **HB 699, HB 676,** and **HB 677** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 699,** AN ACT relating to standardbred horse racing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a trust and revolving fund for the Kentucky harness racing commission, designated as the Kentucky standardbred development fund, consisting of money allocated to the fund under the provisions of Section 2 of this Act, together with such other money as may be contributed to or allocated to the fund from all other sources. Money to the credit of the Kentucky standardbred development fund shall be distributed by the treasurer for the purposes herein provided upon authorization of the Kentucky harness racing commission and upon approval of the commissioner of the executive department for finance and administration. Money to the credit of the Kentucky standardbred development fund at the end of each fiscal year shall not lapse, but shall be carried forward in such fund to the succeeding fiscal year.

(2) The Kentucky harness racing commission shall use the Kentucky standardbred development fund to promote races, and to provide purses for such races, for horses sired by standardbred stallions standing within the commonwealth of Kentucky. For purposes of this section, the term stallions standing within the commonwealth of Kentucky shall include only standardbred stallions standing the entire breeding season within the commonwealth of Kentucky and registered as such with the Kentucky harness racing commission.

The commission shall provide for distribution of money to the credit of the Kentucky standardbred development fund to persons, corporations or associations operating licensed standardbred race tracks within Kentucky on an equitable basis, for the purpose of conducting separate races for two and three year old fillies and colts, both trotting and pacing, sired by standardbred stallions standing within the commonwealth of Kentucky at the time of conception thereof.

Provided, however, that notwithstanding other provisions hereof, a filly or colt foaled prior to January 1, 1978 shall be eligible to participate in races, a part of the purse for which is provided by money of the Kentucky standardbred development fund, if the sire of such filly or colt was standing at stud within the commonwealth of Kentucky at the time of conception of such filly or colt.

(3) Money distributed from the Kentucky standardbred development fund to licensed race tracks within the commonwealth shall be used exclusively to promote races and provide purses for races conditioned to

admit only standardbred colts and fillies sired by standardbred stallions standing within the commonwealth of Kentucky.

(4) The Kentucky harness racing commission shall fix the amount of money to be paid from the Kentucky standardbred development fund to be added to the purse provided for each such race by the licensed operator of such standardbred race track; shall fix the dates and conditions of such races to be held by licensed race tracks; and shall adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

(5) The Kentucky harness racing commission may adopt such rules and regulations as may be necessary to determine the eligibility of horses for entry in races for which a portion of the purse is provided by money of the Kentucky standardbred development fund, including rules and regulations for the registration of standardbred stallions standing within Kentucky and progeny thereof, including registration of progeny of such stallions foaled prior to the effective date of this Act.

(6) The Kentucky harness racing commission shall appoint such qualified personnel as may be required to supervise registration of, or determination of eligibility of, horses entitled to entry in races, a portion of the purse of which is provided by the Kentucky standardbred development fund, to assist the commission in determining the conditions, class and quality of the fund supported race program to be established hereunder so as to carry out the purposes of this Act. Such persons shall serve at the pleasure of the commission and compensation shall be fixed by the commission. The compensation of such personnel and necessary expenses shall be paid out of the Kentucky standardbred development fund.

The commission shall adopt such rules as are necessary to carry out the provisions of this Act, and shall administer the Kentucky sire stakes program created hereby in a manner best designed to promote and aid in the development of the standardbred horse industry in Kentucky; to upgrade the quality of standardbred racing in Kentucky; and to improve the quality of a standardbred horses bred in Kentucky.

Section 2. KRS 138.510 is amended to read as follows:

(1) An excise tax is imposed on every person, corporation or association which operates a running horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to 4 3/4 per cent of all money wagered during the year. A year as used herein shall begin at 12:01 a.m. July 1 and end at 12 midnight June 30.

(2) An excise tax is imposed on every person, corporation or association which operates a trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to *5* [4] per cent of all money wagered during the year. A year as used herein shall begin at 12:01 a.m. July 1 and end at 12 midnight June 30. *One-fifth (1/5) of all amounts received by reason of such tax shall be set aside by the department of revenue and shall be deposited in the Kentucky standardbred development fund created and described in Section 1 of this Act.*

Section 3. KRS 230.750 is amended to read as follows:

The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation or association which operates a standardbred horse track at which betting is conducted through a pari-mutuel or other similar system shall not exceed *eighteen* [seventeen] percent *(18%)* [(17%)] of the gross amount handled, and the breaks, which breaks shall be made and calculated to the dime.

**HB 676,** AN ACT relating to turnpike authority of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

The general assembly of the commonwealth of Kentucky determines as a legislative finding of fact that the economy of the commonwealth is, to a major degree, dependent upon the severance and production of coal, which is the most abundant and valuable mineral resource of Kentucky; that there is a serious shortage of transportation facilities for the transportation of coal from mines to market; that many of the roads, bridges and highways situated in the coal-producing areas of the commonwealth are obsolete and inadequate for the uses to which they are subjected, and have, in many cases deteriorated to the point where their use is hazardous and represents a potential threat to the safety and welfare of the traveling public; and that the shortage of modern, heavy-duty road systems in such areas is seriously retarding the continued economic growth of the commonwealth. The general assembly of the commonwealth of Kentucky further determines as a legislative finding of fact that the construction and financing of resource recovery roads through the turnpike authority of Kentucky utilizing coal severance tax allocations for the amortization of resource recovery road revenue bonds issued to provide funds to construct such roads will preserve and enhance the economic viability of the commonwealth, will protect and enhance the safety, health, convenience and general welfare of the traveling public, and will therefore constitute the performance of essential governmental and public purposes.

SECTION 2. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

As used in this Act, and as applied to the financing of resource recovery roads by the turnpike authority of Kentucky, the following words and phrases shall have the following respective meanings, unless another or different meaning or intent shall be clearly indicated by the context.

(1) "Authority" shall mean the turnpike authority of Kentucky duly organized and existing pursuant to the provisions of KRS 175.410 to 175.990, inclusive.

(2) "Bonds" or "resource recovery road revenue bonds" shall mean resource recovery road revenue bonds of the authority issued under the provisions of this Act.

(3) "Department" shall mean the department of transportation of Kentucky or, if said department shall be abolished, the department, board, bureau, body or commission succeeding to the principal functions thereof or to whom the powers vested in the department shall be given or transferred by law.

(4) "Resource recovery road project" or "project" shall mean any express highway or superhighway, or such part or parts thereof, as may be constructed and financed under the provisions of this Act which shall be designed and constructed to serve as a modern, heavy-duty motorway facility capable of carrying in normal operations vehicles designed for the transportation of coal severed and produced in the commonwealth of Kentucky, which road shall also be designed to serve the traveling public, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, connecting highways, tollhouses (if any), service stations, garages, restaurants, and administration, storage or other buildings and facilities which the authority may deem necessary for the operation of such resource recovery road project, together with all property, rights, easements and interests which may be acquired by the authority or by the department for the construction or the operation of such project.

(5) All words and phrases which are defined and used in KRS Sections 175.410 to 175.990, inclusive, shall have the same meaning or meanings when used in this Act, except that the words and phrases "turnpike project" or "project" as used in said identified sections shall mean and refer to resource recovery road projects constructed and financed pursuant to this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

Subject to the provisions of this Act, the turnpike authority of Kentucky may initiate, plan, implement, acquire, construct and finance resource recovery road projects utilizing and employing all of the authority, rights and procedures granted to the authority by KRS Sections 175.410 to 175.990, inclusive.

SECTION 4. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

In order to provide for the construction of resource recovery road projects, the authority is hereby authorized and empowered under and pursuant to the terms and provisions of a written agreement or agreements with the department to construct, finance, maintain, repair and operate resource recovery road projects, to lease such projects to the department, and to issue resource recovery road revenue bonds of the authority to finance such projects. In the planning, construction and financing of any resource recovery road project, the authority and the department shall, subject to the provisions of this Act, have and use all authority, procedures and rights provided by the provisions of KRS Sections 175.410 to 175.990, inclusive.

SECTION 5. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

In the event that the authority and the department shall undertake the planning, construction and financing of any resource recovery road project, it may be provided in connection with such financing that resource recovery road revenue bonds issued in respect of any such project shall be secured solely by income and revenues derived from the leasing by the authority of any such project to the department, and shall not be secured by a pledge of any motor fuel taxes and surtaxes collected by the commonwealth on gasoline and other motor fuels consumed by vehicles utilizing such resource recovery road project.

**HB 677,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 143.020 is amended to read as follows:

On and after *July 1, 1976* [April 1, 1972], in addition to all other taxes imposed by law, a severance tax is hereby levied on every taxpayer measured by the coal severed. The tax shall be four *and one-half* percent *(4 1/2*%

*%)* [(4%)] of the gross value of all coal severed during the reporting period; except that the minimum severance tax liability for a reporting period shall be an amount determined by applying a rate of *fifty cents (50¢)* [thirty cents (30¢)] per ton to the total number of tons severed during the reporting period.

Section 2. KRS 143.040 is amended to read as follows:

*(1)* The department *of revenue* shall administer the provisions of this chapter and shall, *subject to the provisions of subsection (2) hereof,* have all the powers, rights, duties, and authority with respect to promulgation of rules and regulations, assessment, collection, refunding and administration of the taxes levied by this chapter conferred generally on it by the Kentucky Revised Statutes including Chapters 131, 134, and 135 of such statutes.

*(2) Not less than sixty (60) days prior to the commencement of each fiscal year of the commonwealth (July 1), the department of revenue shall direct the department of transportation in writing to certify to the department of revenue the aggregate amount of lease obligation payments required to be made by the department of transportation to the turnpike authority of Kentucky during such ensuing fiscal year in respect of all resource recovery road projects as to which the department of transportation has elected to renew leases with the turnpike authority of Kentucky incidental thereto. The department of transportation shall certify such information to the department of revenue not less than thirty (30) days prior to such ensuing July 1. From and after July 1 of such ensuing fiscal year, the department of revenue shall allocate, from the gross receipts first received from imposition of coal severance taxes, the aggregate amount so certified by the department of transportation, and shall earmark, allocate or segregate such severance tax receipts for the use and benefit of the department of transportation to enable the department of transportation to pay when due such lease payments in respect of resource recovery roads.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 143 IS CREATED TO READ AS FOLLOWS:

No city, county, taxing district or other unit of government, except the commonwealth of Kentucky, shall levy any occupational, license, excise, severance or other tax, assessment or impost of any kind whatsoever upon the severance, processing, sale, use, transportation, or other handling of coal within the commonwealth of Kentucky.

Section 4. Whereas revenues to be collected pursuant hereto are appropriated for projects to be undertaken in fiscal year 1976-77, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Judiciary-Courts: **HB 762, HB 765, HB 472.**

Appropriations and Revenue: **HB 504.**

Judiciary-Statutes: **HB 764, HB 760.**

Labor and Industry: **HB 612, HB 682.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Appropriations and Revenue: **HB 222, HB 158, HB 235, HB 259, HB 302,** HB 198, **HB 400, HB 401, HB 380, HB 381.**

## Announcements

The following announcements concerning votes were made.

Representative Stephens requested that he be recorded as voting "yea" on **HB 61, HB 248, HB 406, HB 447, HB 455, HB 532, HB 549, HB 558, HB 563** and **HB 569.**

Representative Stephens requested that he be recorded as voting "nay" on **HB 129.**

Representative Kleier requested that he be recorded as voting "yea" on **HB 248, HB 447, HB 455, HB 532, HB 558, HB 563,** and **HB 569.**

Representative Guenthner requested that his vote be changed from "nay" to "yea" on **HB 558.**

Representative Brinkley requested that he be recorded as voting "nay" on **SB 119.**

Representative Mann filed Floor Amendment No. 1 to **SB 75.**

Representative Schmidt filed Floor Amendment No. 1 to **SB 141.**

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns it do so by voice vote and to convene again on Thursday, February 4, 1976, at 2:00 p.m.

An announcement was made of a special meeting of the Committee on Elections and Constitutional Amendments for 11:00 a.m., Room 305A, March 4, 1976.

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Burnette, **HB 172;** Representative Ackerson, **HJR 24;** Representative Richards, **HB 752, HB 671, HB 583;** Representative Donnermeyer, **HB 787;** Representative Bruce, **HB 138;** Representative Muncy, **HB 719, HB 767;** Representative Hopkins, **HB 569, HB 488, HB 489.**

### Adjournment

Representative Deskins moved that the House adjourn until 2:00 p.m., Thursday, March 4, 1976. Agreed.

## THURSDAY, MARCH 4, 1976

## FORTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Rudd A. Kerr, General Baptist Church, Leitchfield.

The roll was clled. All present except Representative Gay.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 3, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 799,** by Representatives Hughes and Holloway: AN ACT relating to Kentucky's heritage.

**HB 800,** by Representative Blume: AN ACT providing for the payment by bureau of highways for the removal and relocation of facilities owned by a utility.

**HB 801,** by Representative LeMaster: AN ACT relating to the practice of architecture and engineering.

**HB 802,** by Representative Hardwick: AN ACT changing the classification of the City of Monticello, in Wayne County.

**HB 803,** by Representatives Hardwick and Fitzgerald: AN ACT relating to high school sports competition.

**HB 804,** by Representative O'Brien: AN ACT relating to school insurance.

**HB 805,** by Representative Benson: AN ACT relating to city employes.

**HB 806,** by Representative LeMaster: AN ACT relating to financing of sanitary sewers in counties in which urban county governments have been established.

**HB 807,** by Representative Kleier: AN ACT relating to classified service in cities of the first class.

**HB 808,** by Representative Yates: AN ACT relating to law enforcement.

**HB 809,** by Representatives Morris and Bruce: AN ACT relating to the compensation of mayors.

**HB 810,** by Representatives Bendl, Benson, Kleier, Maynard, Nett, and Wooden: AN ACT relating to the General Assembly.

**HB 811,** by Representatives Bendl, Benson, Kleier, Maynard, and Wooden: AN ACT relating to state income taxes.

**HB 812,** by Representatives Arnold and Jones: AN ACT relating to the merger of police and fire departments in cities of the fourth and fifth class.

**HB 813,** by Representatives King and DeFalaise: AN ACT relating to annexations of unincorporated areas by municipalities.

**HCR 84,** by Representative DeFalaise: A CONCURRENT RESOLUTION relating to annexation in counties containing both a city of the second and third class.

**HR 85,** by Representative Pearl: A RESOLUTION recommending that the Kentucky Bicentennial Commission adopt "Uncle Sam, God Bless Your Soul" as the state bicentennial song.

## Senate Message

Announcing passage of **HB 150** by way of Senate Committee Substitute, **HB 337** with Senate Amendment, **SB 148, SB 218, HB 252, HB 17,** and **SB 244.**

## Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 779, HB 788, HB 791, HB 792, HB 793.**

Banking and Insurance: **HB 782, SB 191.**

Business and Organizations and Professions: **HB 785, HB 786, SB 27.**

Cities: **HB 797, HB 798.**

Education: **HB 789, SB 78.**

Highways and Traffic Safety: **HB 795, SB 216.**

Judiciary-Statutes: **HB 781, HB 794, HB 796.**

Public Utilities and Transportation: **HB 778, HB 780.**

State Government: **HB 777, HB 783, HB 784, HB 790, HR 83, SB 231, SB 253, SB 95.**

## Report on Enrolled Bills

**HB 210, HB 287,** and **HB 358** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Report of Committees

The Committee on Agriculture and Natural Resources reported **HB 579** with Committee Substitute attached thereto, **HB 626, HB 697,** and **SB 155** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 579,** AN ACT relating to promotion of agriculture and horticulture.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 247.220 is amended to read as follows:

*(1) The commissioner of agriculture shall make grants of state funds to the North American Livestock Exposition, and to qualified local agricultural fairs on a matching basis, to be used by them to pay premium awards for exhibits and displays of domestic livestock, poultry, harness horse racing, other horse events, and agricultural products. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair.*

[(1) The commissioner of agriculture shall make grants of state funds to qualified local fairs to be used by them to pay premium awards for exhibits and displays of domestic livestock or other agricultural products. The grant of state funds made to any fair shall in no event exceed one-half (1/2) of the amount of premiums paid out for livestock shows and agricultural exhibits and in no instance shall the allotment exceed two thousand dollars ($2,000). The premiums actually awarded shall conform to those appearing on the premium list issued by the fair. Five hundred dollars ($500) of the grant may be used by the local fair board for new buildings or for improvements on old buildings to house livestock or other agriculture exhibits. No grant for such buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (4) of this section. Such grant for facilities shall be matched by the local fair board. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.]

*(2) The state may provide funds for use in the establishment of new facilities and improvement of existing facilities for use in conducting events at local agricultural fairs as provided by this Act. No grant for such buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (5) of this section. Such grants for facilities shall be made under regulations promulgated by the fair council and the commissioner of agriculture. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.*

*(3)* [(2)] There shall be a fair council in the department of agriculture. The council shall act in an advisory capacity to the commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session at such times as there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at such other place that may be determined.

*(4)* [(3)] The council shall be composed of the commissioner as chairman ex officio and the presidents or their designated representatives of the following state groups: Kentucky livestock improvement association, Kentucky farm bureau federation, Kentucky association of fairs and horse shows, inc., the director of vocational agriculture education, [and] the dean of the college of agriculture of the University of Kentucky, *and the Kentucky harness horse association. The commissioner may appoint associate members to the council to achieve equal representation.*

*(5)* [(4)] To qualify for a grant of state funds, a fair shall meet standards set by the commissioner and his advisory council whose approval may be given only if the fair:

(a) Provides in its bylaws for holding an annual fair running for at least three (3) days;

(b) Presents, through the medium of youth organizations such as 4-H clubs, future farmers of America and other similar organizations, an educational program concerning the production and marketing of *the* livestock, *poultry, and horse industries* [and other related subjects];

(c) Complies with all other rules and regulations which the department of agriculture is hereby authorized to promulgate;

(d) Appoints one or more members to its fair board from *local* [county] livestock [improvement] associations, *horsemen's associations,* and county farm bureaus and selects one or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever *local* [county] livestock [improvement] associations, *horsemen's associations,* and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing [livestock] premium lists and planning agricultural exhibits.

*(6)* [(5)] Any fair receiving a grant of state funds shall file with the director of livestock shows and fairs in the department of agriculture, by December 1 of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a *certified notarized financial report submitted by the treasurer of the local fair association* [financial report by a certified public accountant].

Section 2. KRS 138.510 is amended to read as follows:

(1) An excise tax is imposed on every person, corporation or association which operates a running horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to *5 1/4* [4 3/4] per cent of all money wagered during the year. A year as used herein shall begin at 12:01 a. m. July 1 and end at 12 midnight June 30.

(2) An excise tax is imposed on every person, corporation or association which operates a trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to 4 1/2 per cent of all money wagered during the year. A year as used herein shall begin at 12:01 a. m. July 1 and end at 12 midnight June 30.

SECTION 3. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

(1) The tax revenues derived from the additional one-half percent (1/2%) tax levied by this Act shall be credited to the fair and equine promotion trust fund, which is hereby created.

(2) Funds deposited to the credit of the fair and equine promotion trust fund shall be administered by the department and shall be used only for the purposes of this Act; provided, however, that twenty-five percent (25%) of these funds shall be used for equine research and promotion.

(3) Funds unexpended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year or biennium.

The Committe Substitute for **HB 579** is as follows:

**HB 579,** AN ACT relating to promotion of agriculture and horticulture.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 247.220 is amended to read as follows:

*(1) The commissioner of agriculture shall make grants of state funds to qualified local agricultural fairs on a matching basis, to be used by them to pay premium awards for exhibits and displays of domestic livestock, poultry, harness horse racing, other horse events, and agricultural products. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair.*

[(1) The commissioner of agriculture shall make grants of state funds to qualified local fairs to be used by them to pay premium awards for exhibits and displays of domestic livestock or other agricultural products. The grant of state funds made to any fair shall in no event exceed one-half (1/2) of the amount of premiums paid out for livestock shows and agricultural exhibits and in no instance shall the allotment exceed two thousand dollars ($2,000). The premiums actually awarded shall conform to those appearing on the premium list issued by the fair. Five hundred dollars ($500) of the grant may be used by the local fair board for new buildings or for improvements on old buildings to house livestock or other agriculture exhibits. No grant for such buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (4) of this section. Such grant for facilities shall be matched by the local fair board. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.]

*(2) The state may provide funds for use in the establishment of new facilities and improvement of existing facilities for use in conducting events at local agricultural fairs as provided by this Act. No grant for such buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (5) of this section. Such grants for facilities shall be made under regulations promulgated by the fair council and the commissioner of agriculture. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.*

*(3)* [(2)] There shall be a fair council in the department of agriculture. The council shall act in an advisory capacity to the commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session at such times as there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at such other place that may be determined.

*(4)* [(3)] The council shall be composed of the commissioner as chairman ex officio and the presidents or their designated representatives of the following state groups: Kentucky livestock improvement association, Kentucky farm bureau federation, Kentucky association of fairs and horse shows, inc., the director of vocational agriculture education, [and] the dean of the college of agriculture of the University of Kentucky, *and the Kentucky harness horse association; and the chairmen of the senate and house agriculture and natural resources committees. The commissioner may, with the concurrence of a majority of the members of the council, appoint additional members to the council.*

*(5)* [(4)] To qualify for a grant of state funds, a fair shall meet standards set by the commissioner and his advisory council whose approval may be given only if the fair:

(a) Provides in its bylaws for holding an annual fair running for at least three (3) days;

(b) Presents, through the medium of youth organizations such as 4-H clubs, future farmers of America and other similar organizations, an educational program concerning the production and marketing of *the* livestock, *poultry, and horse industries* [and other related subjects];

(c) Complies with all other rules and regulations which the department of agriculture is hereby authorized to promulgate;

(d) Appoints one or more members to its fair board from *local* [county] livestock [improvement] associations, *horsemen's associations,* and county farm bureaus and selects one or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever *local* [county] livestock [improvement] associations, *horsemen's associations,* and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing [livestock] premium lists and planning agricultural exhibits.

*(6)* [(5)] Any fair receiving a grant of state funds shall file with the director of livestock shows and fairs in the department of agriculture, by December 1 of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a *certified notarized financial report submitted by the treasurer of the local fair association* [financial report by a certified public accountant].

Section 2. There is hereby appropriated out of the state's General Fund to the Department of Agriculture $150,000 for the fiscal year 1976-77 and $150,000 for the fiscal year 1977-78 to carry out the purposes of this Act.

**HB 626,** AN ACT relating to strip mining.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

(1) A prospective applicant for a permit required by KRS 350.060 shall publish at least once a public notice of his intention to file an application for that permit. Such publication shall be made by advertisement in a newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county wherein the proposed mining site is located.

(2) The publication shall be made not less than ten (10) nor more than thirty (30) days prior to the filing of the permit application with the department.

(3) The public notice of the intention to file an application shall be entitled "Notice of Intention to Mine" and shall be in a manner and form prescribed by the department and shall include, though not be limited to, the following:

(a) The name and address of the applicant;

(b) The location of the proposed mining site;

(c) A brief description of the kind of mining activity proposed, together with a statement of the amount of acreage affected by the proposed operation.

(4) The applicant for a permit required by KRS 350.060 shall establish the date and place at which the "Notice of Intention to Mine" was published by attaching to his application a verified affidavit from the publishing newspaper containing the information required by this Section.

**HB 697,** AN ACT relating to strip mining.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 350.090 is amended to read as follows:

(1) Under the provisions of this chapter and regulations adopted by the department, an operator shall prepare and carry out a method of operation, plan of grading and backfilling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the department and the department shall notify the applicant by certified mail, return receipt requested or by registered mail within *thirty (30)* [twenty (20)] working days after receipt of the *plan* [plans] and complete application if it is or is not acceptable. If the plan is not acceptable, the department shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the department, he may, by written notice, request a hearing conducted by the department in the manner provided by KRS 224.083. The department shall notify the applicant by certified mail, return receipt requested or by registered mail within twenty (20) days after the hearing of its decision. Any person aggrieved by a final order of the department may appeal through the courts as set forth in KRS 224.085.

(2) In addition to the method of operation, grading, backfilling and reclamation requirements of this chapter and regulations adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:

(a) Cover the face of the coal with compacted nonacid bearing and nontoxic materials to a distance of at least four (4) feet above the seam being strip mined or by a permanent water impoundment;

(b) Bury under adequate fill all toxic materials, roof coal, pyritic coal or shale determined by the department to be acid producing, toxic, or creating a fire hazard;

(c) Seal off, as directed by regulations, any break through of acid water creating a hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation.

(3) No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

Section 2. KRS 350.093 is amended to read as follows:

(1) On lands where the method of operation does not produce a bench (area strip mining), complete backfilling shall be required, beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land with no depressions to accumulate water. Such backfilling shall eliminate all highwalls and spoil peaks. Whenever directed by the department, the operator shall construct in the final grading, such diversion ditches or terraces as will control the water runoff on long uninterrupted slopes. Additional restoration work may be required by the department according to regulations adopted by the department.

(2) On lands where the method of operation produces a bench (contour strip mining), terrace backfilling shall be required and performed as follows:

(a) All highwalls must be reduced or backfilled. The steepest slope of the reduced or backfilled highwall and of the outer slope of the fill bench shall be no greater than forty-five degrees (45) from the horizontal; provided, however, if the highwall is composed of solid rock and sufficient soil is not available to backfill or cover the solid rock suitable to establish vegetative cover, the department, by regulation, may make modifications to the requirements of this section;

(b) The table portion of the restored area shall be a terrace;

(c) Whenever excess spoil is placed in the head-of-the-hollow fills, it shall be compacted under regulations promulgated by the department;

(d) Ridge fills shall not exceed a depth of ten (10) feet;

(e) The restored area shall have a minimum depth of four (4) feet of fill over the floor of the pit from which the coal has been removed;

(f) There shall be no depressions to accumulate water but lateral drainage ditches connecting to natural or constructed waterways shall be constructed whenever directed by the department;

(g) Additional restoration work may be required by the department according to regulations adopted by the department;

(h) In addition to the backfilling and grading requirements above, the operator's method of operation on steep slopes shall be regulated and controlled according to regulations adopted by the department. Such regulations shall limit bench widths, shall limit the amount of overburden to be placed beyond the solid bench to forty percent (40%) or less of the material disturbed except where the mineral is recovered by the auger method of mining only and without blasting, may prohibit any overburden from being placed beyond the solid bench on precipitous slopes as defined by the department, or may require any measure whatsoever to accomplish the purpose of this chapter.

(3) An operator may propose alternative plans other than backfilling where a water impoundment is desired, if such restoration will be consistent with the purpose of this chapter. Such plans are to be submitted to the department, and if such plans are approved by the department and complied with within the time limits as may be determined by the department as being reasonable for carrying out such plans, the backfilling requirements of this chapter may be modified by the department.

(4) As determined by regulations of the department, time limits shall be established requiring backfilling, grading and planting to be kept current. All backfilling and grading shall be completed before necessary equipment is moved from the operation.

(5) If the operator or other person desires to conduct drift mining upon the premises or use the openings for haulageways or other lawful purposes, the operator may designate locations to be used for such purposes at which places it will not be necessary to backfill as herein provided for until such drift mining or other use is completed, during which time the bond on file for that portion of the operation shall not be released. That portion of such locations shall be described and designated on the map attached thereto.

(6) When the backfilling and grading have been completed and approved by the department *and*[,] the soil ph level required by department regulations has been satisfied, the secretary shall release the bond which was filed for that portion of such operation in its full amount less *three hundred dollars ($300)* [two hundred dollars ($200)] per acre, which shall be retained by the department until such time as the planting and revegetation is done according to law and approved by the department, at which time the secretary shall release the bond in the remaining amount of *three hundred dollars ($300)* [two hundred dollars ($200)] per acre.

Section 3. KRS 350.110 is amended to read as follows:

If the department authorizes an operator to defer planting to provide vegetative cover for an area of land, it shall set the time within which such planting shall be carried out. If the operator has carried out on that area of land the method of operation, backfilling, grading and reclamation plans approved by the department other than the planting, the department shall issue to the operator and to his surety a release of his surety bond or other securities held on deposit for each acre of land for which such method of operation, backfilling, grading, and reclamation have been carried out, and the soil ph level required by department regulations has been satisfied less the sum of *three hundred dollars ($300)* [two hundred dollars ($200)] for each acre, but in no case shall the bond be reduced below two thousand dollars ($2,000) except as provided in KRS 350.060. The remaining amount of the bond of *three hundred dollars ($300)* [two hundred dollars ($200)] for each acre of land affected shall remain in the possession of the department until a satisfactory planting plan has been carried out, or until it has been forfeited by the operator. If the remainder is forfeited, it shall be expended by the department in a planting program for the area of land for which it has been posted. If the operator does not meet the planting requirements but does not want his bond forfeited, he may pay to the department a sufficient sum to cover the remaining reclamation costs and the bond filed by him as surety may then be released by the department.

**SB 155,** AN ACT relating to the establishment of a Kentucky Nature Preserves System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

This Act shall be known and may be cited as the "Kentucky Nature Preserves Act."

SECTION 2. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

All areas within the borders of the Commonwealth, except those which are expressly dedicated by law for preservation and protection in their natural condition, are subject to alteration by human activity. As part of the continuing growth of the population and the economic development of the Commonwealth, it is necessary and desirable that the overall impact on the natural ecology be considered when major alterations are proposed affecting same, and that certain areas of unusual natural significance be set aside and preserved for the benefit of present and future generations. Such unique areas are valuable as laboratories for scientific research, as reservoirs of natural materials not all of the uses of which are now known, as habitats for plant and animal species and biotic communities, as living museums of the native landscape where people may observe nature's web of life and our natural heritage, as places of historic and natural interest and scenic beauty, and as reminders of the vital human dependence upon fresh air, clean water, and unspoiled natural areas.

It is therefore the public policy of the Commonwealth of Kentucky to secure for the people of present and future generations the benefits of an enduring resource of natural areas by establishing a system of nature preserves, protecting these areas and gathering and disseminating information regarding them, establishing and maintaining a registry of natural areas and otherwise encouraging and assisting in the preservation of natural areas and features.

SECTION 3. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Natural area" means any area of land or water, or of both land and water, in public or private ownership, which either retains, or has reestablished to some degree in the judgment of the commission its natural character, though it need not be completely natural and undisturbed, or which has natural flora, fauna, biological, ecological, geological, scenic or archaelogical features of scientific, esthetic, cultural or education interest;

(2) "Natural preserve" means a natural area, and land necessary for its protection, any estate, interest or right in which has been formally dedicated under the provisions of this Act to be maintained as nearly as possible in its natural condition and to be used in a manner and under limitations consistent with its continued preservation, without impairment, disturbance or artificial development, for the public purposes of present and future scientific research, education, esthetic enjoyment and habitat for plant and animal species and other natural objects;

(3) "Articles of Dedication" means the writing by which any estate, interest or right in a natural area is formally dedicated as provided in this Act;

(4) "Commission" means the Kentucky Nature Preserves Commission;
(5) "System" means the state system of nature preserves established under this Act;
(6) "Department" means the Department for Natural Resources and Environmental Protection;
(7) "Director" means the Director of the Kentucky Nature Preserves Commission.

SECTION 4. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

A State system of nature preserves is established. The system shall consist of nature preserves dedicated as provided in this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Nature Preserves Commission is hereby created and shall consist of nine (9) members qualified and appointed by the Governor as follows:

(a) The Governor shall seek advice on the making of appointments to the commission from, though not limited to, the following, if they have an active organization chartered in Kentucky:

(i) Kentucky Audubon Council
(ii) Sierra Club
(iii) The Isaac Walton League of America
(iv) The Nature Conservancy
(v) Kentucky Orinthological Society
(vi) Kentucky Academy of Science

(b) Each commission member shall be favorable to the general purposes of this Act and shall have demonstrated an interest sympathetic to preservation of natural areas and each member shall be a resident of Kentucky, and not an employe or officer of the Commonwealth, except faculty and staff members of schools in Kentucky.

(c) Any vacancies on the commission shall be filled in the same manner as the original appointment.

(2) The Governor shall make the initial appointments to the commission within ninety (90) days after the effective date of this Act, and appointees shall serve as members of the commission until the expiration of their term under this Act. Their successors shall be appointed for a 3-year term, expiring on June 30. When an appointment is made to fill a vacancy, the appointment shall be for the balance of the unexpired term. Each member of the commission shall hold office until his successor is appointed and qualifies. The commission shall organize by selecting from its membership a chairman and a secretary and shall provide rules for transacting its business and keeping records thereof. The commission shall meet quarterly or more frequently upon the call of the chairman or four (4) members. Five (5) members shall constitute a quorum for the transaction of business. The members of the commission shall receive no compensation but may be reimbursed for necessary expenses in connection with the performance of their duties.

SECTION 6. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Representatives of such agencies, institutions, organizations or individuals as the commission may determine may serve as advisors to the commission with the privilege of discussion and debate. Such advisors may receive such compensation as is deemed appropriate by the commission. Nothing in this section shall be construed to prevent the members of the commission from meeting without the participation of advisors.

SECTION 7. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

In order to secure for the people of the Commonwealth of Kentucky of present and future generations the benefits of an environment having one or more of the characteristics of a natural area, the commission is hereby empowered to acquire in the name of the Commonwealth of Kentucky and to hold in trust for the benefit of the general public an adequate system of nature preserves in the manner herein set forth, and for the following uses and purposes:

(1) For scientific research in such fields as, but not limited to, ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, palentology, orinthology, herpatology, mammalogy, biology, entomology, agronomy, conservation; and all other natural sciences;

(2) For the teaching of biology, natural history, ecology, geology, conservation and other related subjects;

(3) As habitats for plant and animal species and other natural objects;

(4) As reservoirs of natural materials;

(5) As places of natural interest and beauty;

(6) As living illustrations of our natural heritage wherein one may observe and experience natural biotic and ecological systems of the earth and their processes;

(7) To promote understanding and appreciation of the esthetic, cultural, scientific and spiritual values of our unpolluted and unspoiled environment;

(8) For the preservation and protection of nature preserves against modification or encroachment resulting from occupation, development or other use which would destroy their natural or esthetic conditions;

(9) As places where people may observe nature's web of life and our natural heritage, and as reminders of the vital human dependence upon unspoiled natural areas.

SECTION 8. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

The commission and the department shall coordinate the activities of the commission and those of the department in an effective and practical manner, allocating those activities and functions pertaining to preservation and use of natural areas to the commission.

SECTION 9. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

To effectuate the purposes of this Act, the department has the powers and duties enumerated as follows:

(1) To provide administrative services, office facilities, and such other assistance as may be agreed upon by the department and the commission;

(2) To enforce rules established by the commission pertaining to public use of and activities on nature preserves, and on any real property held by the commission;

(3) To acquire, subject to the prior written approval of the commission, by gift, devise, purchase, grant, agreement, dedication, and transfer the fee simple title, or any lesser right or interest in real property, including but not limited to, leasehold estates, easements, and licenses granting to the commission specified rights of use or licenses denying to the grantor specified rights of use, or both, and to dedicate the same to the system of nature preserves and provided in this Act;

(4) To dedicate in the manner provided for in this Act real property held by it as nature preserves;

(5) To transfer from or to the commission real property or any interests or rights therein.

SECTION 10. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Funds available for use by the department for land acquisition, or for other designated activities, if not otherwise restricted, may be allocated by the department to the commission for land acquisition, or other herein authorized activities.

SECTION 11. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

The commission shall establish and publish a public register of natural areas which shall include areas other than nature preserves considered by the commission to be particularly worthy of preservation for the public purposes of present and future scientific research, education, scenic and esthetic enjoyment or which provide habitat and protection for plant and animal species and communities and other natural features. No natural area shall be construed to be unworthy of preservation because it is not included in the register. Publication of the register is notice to all public agencies that the registered natural areas are worthy of preservation.

No area so registered shall be a nature preserve unless and until it shall have been dedicated as provided for in this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

The commission is authorized and empowered for and on behalf of the Commonwealth of Kentucky:

(1) To accept and administer gifts, grants, devises and bequests of money, securities or property to be used by the commission for the purposes of this Act;

(2) To acquire natural areas by gift, devise, purchase or exchange, provided that any interest owned by the Commonwealth or by any subdivision thereof may be dedicated only by voluntary act of the agency having jurisdiction thereof.

(3) To acquire the fee simple interest or any one or more lesser estates, interests and rights therein, including, but not limited to, leasehold estates, easements, and licenses either granting the Commonwealth specified rights of use or licenses denying to the grantor specified rights of use, or both. Lesser than fee simple estates, particularly scenic easements, should be sought in the establishment of trails or other narrow or elongated or extensive uses.

(4) For the purpose of protecting a nature preserve, adjoining land that is not otherwise suitable for dedication as part of the nature preserve may be dedicated as buffer area in the same manner as provided in this Act for the dedication of a nature preserve. A dedicated buffer area shall have the same protection under this Act as a nature preserve.

(5) An estate, interest or right in a natural area may be dedicated by any agency of the Commonwealth having jurisdiction thereof, by any other unit of government within the state having jurisdiction thereof, and by private owners thereof in the same manner as the ordinary conveyance of land. A dedication shall be deemed effective, and a natural area shall become a nature preserve only upon the acceptance of the articles of dedication by the commission. Articles of dedication shall be placed on public record in the proper place for

recording deeds in the county or counties in which the area is located, and with the commission at its Frankfort office.

(6) Articles of dedication may contain restrictions relating to management, use, development, transfer, and public access, as well as such other provisions as may be necessary to further the purposes of this Act. Specifically, the donor, devisor or grantor of the preserve may prescribe the places where, and the means by which, the public may secure access to the preserve so as to protect the preserve from overuse and maintain the unencumbered private use of undedicated lands adjoining the preserve. The articles may likewise provide penalties and procedures to be applied in case of violation of their provisions. The articles may recognize and create reversionary rights, transfers upon conditions, and gifts. The articles may vary in provisions from one nature preserve to another in accordance with differences in the characteristics and conditions of the areas involved, or for other reasons found necessary by the commission and the landowner.

(7) Upon such terms and conditions as the commission may determine, the commission may enter into amendments of any articles of dedication upon a finding by the commission that such amendments will not permit an impairment, disturbance, use or development of the area inconsistent with the purposes of the articles of dedication or of this Act; provided, however, that if the fee simple interest in the area is not held by the Commonwealth of Kentucky under this Act, no amendment shall be made without the written consent of the owner or owners of the other interests therein.

SECTION 13. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Public departments, commissions, boards, counties, municipalities, corporations, colleges, universities and all other agencies and instrumentalities of the Commonwealth and its political subdivisions are empowered, and urged to dedicate suitable areas within their jurisdictions as nature preserves.

SECTION 14. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

The fee simple estates, or lesser interests, or other contractual rights held as nature preserves are hereby declared to be held in trust, in the name of the Commonwealth, for those uses and purposes expressed in this Act which are not prohibited by the articles of dedication, for the benefit of the people of the Commonwealth of Kentucky of present and future generations and are declared to be put to their highest, best and most important use for the public benefit. Said estates, interests, or rights held as nature preserves shall be managed and protected in the manner approved by, and subject to the rules and regulations established by the commission, and they shall not be taken by another public body through eminent domain or otherwise for any other use, except after a finding by the commission of the existence of an imperative and unavoidable public necessity for such other public use. Except as may otherwise be provided in the articles of dedication, the commission may grant or dispose of an estate, interest or right held in a nature preserve only after a finding by the commission of the existence of an imperative and unavoidable public necessity for such grant or disposition; provided however,that where less than a fee simple interest has been dedicated, such disposition or grant shall also require the written consent of the owner or owners of the other interests therein.

SECTION 15. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Before the commission shall make any findings of the existence of an imperative and unavoidable public necessity, or shall grant or dispose of any estate, interest or right in a nature preserve, or shall enter into any amendment of any articles of dedication, it shall give notice of such proposed action in accordance with Chapter 424 of the Kentucky Revised Statutes.

SECTION 16. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

In furtherance of the purposes of this Act, the commission shall have the following additional powers and duties:

(1) To seek and approve the dedication of nature preserves as part of the system;

(2) To make and publish policies, rules, and regulations for the selection, acquisition, management, protection, and use of natural areas, nature preserves; and the conduct of commission affairs;

(3) To cooperate with and to contract with any public body of this State, any public body of any other state, any private organization, any individual, and the federal government and its agencies;

(4) To purchase land from a willing seller without the use of the powers of condemnation or eminent domain, which said powers are expressly denied to the commission;

(5) To make reasonable investigations as to the ownership of any lands which it judges may be appropriate for acquisition;

(6) To maintain a state registry of natural areas, an inventory of natural types, flora, and fauna, and other records of natural areas and nature preserves within the Commonwealth;

(7) To promote the coordination of all departments, division and branches of state, county and city governments within the Commonwealth which relate to nature preserves;

(8) To study the operation of all laws, rules, regulations, orders, and governmental policies affecting conservation of natural resources pertaining to natural areas, and to recommend to the Governor, and to the General Assembly, new legislation, rules, regulations, orders and policies in the interest of correcting natural resource conservation problems pertaining to natural areas and nature preserves;

(9) To provide a central clearing house of information for environmental and conservation matters and to promote educational programs pertaining to natural areas and nature preserves;

(10) To conduct research, investigations, public hearings, and interpretative programs and to publish and disseminate information to the general public pertaining to natural areas and nature preserves;

(11) To supervise the protection, management, and use of nature preserves and to enforce and administer rules and regulations pertaining thereto;

(12) To promote, study, investigate, recommend, encourage, advise and assist in the preservation, protection, and management of natural areas;

(13) To report to the Governor and General Assembly on proposed legislation, policies, regulations, or actions, public or private, which may significantly affect the quality of the natural ecology or the human environment in the Commonwealth. Such report shall include an evaluation of environmental and ecological effects, and shall compare any adverse effects of the proposed action against possible social benefits. The report shall describe and recommend appropriate alternatives, which avoid significant adverse effects on the quality of the natural ecology of natural areas.

(14) To submit to the Governor and members of the General Assembly, a report on or before January 15, 1977, and by the same date each second year thereafter, detailing the condition of each nature preserve in the system, and each registered natural area, and make such other reports and recommendations as it may deem advisable.

SECTION 17. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

An owner of an area which is dedicated as a nature preserve may retain custody thereof, or may designate a custodian, subject to the rules and regulations of the commission. If the owner or custodian declines, is unable, or fails to administer and manage the nature preserve in accordance with the articles of dedication, the commission shall undertake such custodial functions as may be necessary for the protection, maintenance, and use of the nature preserve until the disability is removed. Whenever feasible, and consistent with the articles of dedication, the commission shall vest custody of a nature preserve the former owner, a private organization or an individual.

SECTION 18. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

The commission may, with the approval of the department, transfer title, to lease or assign custody or other interest or right therein, or contract for the custody, maintenance and operation of a nature preserve or other real property with another public agency or private organization. Such transfer, lease, assignment or contract must be consistent with the purposes of this Act.

SECTION 19. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Where an interest in real property less than fee simple is dedicated for the purposes of this Act, assessments made on the property for taxation shall reflect any change in the market value of the property which may result from the interest so dedicated. The value of the interest so dedicated shall be exempt from property taxation.

SECTION 20. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

All units, departments, agencies, and instrumentalities of the Commonwealth, including, but not limited to, counties, municipalities, public corporations, boards, commissions, colleges and universities, are empowered and urged to dedicate as nature preserves suitable areas or portions of areas within their jurisdiction; all counties and municipalities within the Commonwealth shall have the authority to acquire any interest in real property for the purposes described in this Act.

SECTION 21. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Nothing contained in this Act shall be construed as interfering with the purposes stated in the establishment of any national, state or local park, preserve, wildlife refuge, wildlife management area, forest or other similar area or the proper management and development thereof, except that any agency administering a natural area dedicated as a nature preserve under the provisions of this Act shall be responsible for preserving the character of the natural area in accordance with the articles of dedication and the applicable rules and regulations with respect thereto established by the commission under this Act.

Neither the dedication of a natural area as a nature preserve, nor any action taken by the commission under any of the provisions of this Act, shall void or replace any protective status under law which the natural area would have were it not a nature preserve, and the protective provisions of this Act shall be supplemental thereto.

SECTION 22. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

(1) All departments, agencies, officers and employes of the Commonwealth shall cooperate with the commission and its employes in carrying out its functions under this Act.

(2) The director duly appointed by the commission or any employe authorized by the director shall, for purposes of this Act, have complete and timely access to all records of every agency, division or department of state, county or city government within the Commonwealth. Nothing in this section shall be construed to permit the commission to disclose those matters which by law are required to be kept confidential.

SECTION 23. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

(1) In order to effectuate and administer this Act, the commission may hire a full-time director, who shall be qualified by training and experience to perform the duties of this office and carry out the purpose of this Act, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by the commission. The director shall, upon the advice and consent of the commission, employ and fix the compensation of such personnel as may be necessary to effectuate the provisions of this Act.

(2) The director shall, upon the advice and consent of the commission, provide for the allocation of the work and activities of all employes of the commission.

SECTION 24. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

A fund for the purpose of carrying out the provisions of this Act is hereby created and is designated the "Kentucky Nature Preserves Fund" and shall consist of all revenues derived from privileges, concessions, and contracts granted by the commission, and all monies received by it from gifts, contributions, donations and grants from governmental or private sources, and monies appropriated from general funds of the State for the purposes of this Act. The Kentucky Nature Preserves Fund shall be disbursed by the commission, for administration and other expenses and for all purposes provided by this Act.

SECTION 25. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Upon the commission's request, it shall be the duty of the office of general counsel of the department of the Attorney General, to bring any appropriate legal action in the name of the Commonwealth of Kentucky, including but not limited to, actions for restraining orders, or for temporary or permanent injunctions for the prevention or correction of conditions which constitute a violation of this Act or the provisions of the articles of dedication.

SECTION 26. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

If any provision of this Act is declared invalid, such invalidity shall not affect other provisions of this Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

SECTION 27. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Violations of this Act or of any rule or regulation adopted and published by the commission pursuant to the provisions of this Act, shall be subject to the penalties and sanctions presently provided for in KRS Chapter 224 or as may be amended.

SECTION 28. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Administrative appeals from any order or final determination by the commission under this Act shall be made in accordance with procedures established by regulations of the commission.

SECTION 29. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

There is hereby appropriated from the general fund to the Kentucky Nature Preserves Commission for the fiscal year 1976-77 the sum of $30,000, and for the fiscal year 1977-78 the sum of $35,000, the unexpended portions of which sums shall not revert to the general fund at the end of the fiscal years, but shall be carried forward.

The Committee on Counties and Special Districts reported **HB 253** with Committee Amendment attached thereto, **HB 425** with Committee Amendment attached thereto, and SB 13 with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 253,** AN ACT relating to jailers' fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.150 is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day (jailer shall be paid the fee for each day the court is in session)........$6.00

Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day........$2.00

Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons..$ .50

Keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, per day........*$5.25*[4.25]

Imprisoning and releasing a prisoner charged with a misdemeanor........*$1.50*[ .75]

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing shall be paid by such city.

(3) Jailers shall be paid out of the state treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt........*$1.50*[ .75]

Keeping and dieting a prisoner charged with a felony or contempt, per day........*$5.25*[4.25]

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons........$ .50

Each day's attendance upon the circuit court........$6.00

Furnishing fuel, light, and water to the circuit court, not exceeding, per day........$2.00

Imprisoning and releasing a prisoner for violation of his probation or parole; provided, however, the state granting probation or parole has executed a compact with the commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for felony and contempt.

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

(5) If a court of a county sends a prisoner to a jail of another county, then the county treasurer of the county from which the prisoner was sent shall pay the treasurer of the holding county any fees to which the jailer of the holding county is entitled to by law.

The Committee Amendment to **HB 253** is as follows:

Amend printed copy of House Bill 253 on page 2, line 7, by deleting "*$1.50*[.75]" and after "......" add "*$ .75*"

and on page 2, line 9, by deleting "*$5.25*[4.25]" and after "......" add "*$4.75*"

**HB 425,** AN ACT relating to coroner's jury

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 72.050 is amended to read as follows:

The coroner shall require a jury only upon the request of some member of the deceased's family, or in cases of probable homicide, or where death was caused by the negligence of some person other than the deceased. The jury summoned and sworn by the coroner shall be composed of six (6) reputable citizens of the county. The jury shall inquire upon oath and state in writing, if it knows, when, where, how and by whom the death was caused. Each juror shall receive for his service the sum of *five dollars ($5.00)* [fifty cents (50¢)].

The Committee Amendment to **HB 425** is as follows:

Amend printed copy of House Bill 425 on page 1, lines 11 and 12, by deleting "*five dollars ($5.00)*" and inserting in lieu thereof "*one dollar and fifty cents ($1.50)*"

**SB 13**, AN ACT relating to motor vehicle licensing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.180 is amended to read as follows:

(1) (a) If the owner loses his copy of a registration or transfer receipt, he may obtain a duplicate from the county clerk who issued the present owner's copy of the receipt by filing an affidavit, upon a form furnished by the department, and he shall pay to the clerk a fee of *$2.00* [fifty cents (50¢)].

(b) When the owner's copy of any registration or transfer receipt shows that the spaces provided thereon for noting and discharging security interests have been exhausted, the owner may apply to the county clerk who issued such receipt in order to obtain a duplicate thereof. The owner shall surrender his copy of the current receipt to the clerk before a duplicate may be issued therefor. The owner shall pay the clerk a fee of *$2.00* [fifty cents (50¢)].

(c) Any security interest which has been discharged as shown by the records of the clerk or upon the owner's copy of the current receipt, must be omitted from the duplicate receipt to be issued by the clerk.

(2) If the owner loses a registration plate he shall surrender his registration receipt to the county court clerk from whom it was obtained and file therewith a written statement as to the loss of the plate. Upon the payment of the sum of *$2.00* [fifty cents (50¢)] for each plate and a fee of *$2.00* [fifty cents (50¢)] to the clerk for his services the owner shall be issued another registration receipt and a plate or plates which shall bear a different number from that of the lost plate. The clerk shall retain the owner's statement and shall make a notation on the triplicate copy of the surrendered registration receipt, stating the number of the registration receipt replacing it. The original copy of the surrendered receipt shall be forwarded to the department. The department shall forthwith cancel the registration corresponding to the number of the lost plate. The cancellation shall be reported by the department to the director of the division of state police. Any person finding a lost registration plate shall deliver it to the department of revenue or to any county court clerk for forwarding it to the department.

The Committee Amendment to **SB 13** is as follows:

Amend printed copy of Senate Bill 13 on page 2, lines 20 and 21, by deleting the words "Department of Revenue" and inserting in lieu thereof the words "Department of Transportation".

The Committee on Elections and Constitutional Amendments reported **HB 463** with Committe Amendment attached thereto, **HB 575, HB 576, HB 750, HR 65,** and **HR 75** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 463**, AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 121.150 is amended to read as follows:

(1) No contribution of money or other thing of value, nor obligation therefor, shall be made or received, and no expenditure of money or other thing of value, shall be made or incurred, directly or indirectly, to support or defeat a candidate in an election, except through the duly appointed campaign manager, or campaign treasurer of the candidate or registered committee.

[(2) The solicitation from and contributions by candidates and party executive committees to any religious, charitable, civic, eleemosynary or other causes or organizations established primarily for the public good is expressly prohibited; Provided That it shall not be construed as a violation of this section for a candidate to continue regular personal contributions to religious, civic or charitable groups, of which he is a member or to which he has been a regular contributor for more than six (6) months.]

*(2)* [(3)] Any anonymous contribution in excess of fifty dollars ($50.00) received by a campaign treasurer or committee shall not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution shall escheat to the state.

*(3)* [(4)] No candidate, committee, or political action committee, nor anyone on their behalf, shall accept a cash contribution in excess of one hundred dollars ($100).

*(4)* [(5)] No person may contribute more than $3,000 to any one candidate in any one election.

*(5)* [(6)] No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

The Committee Amendment to **HB 463** is as follows:

Amend printed copy of House Bill 463 on page 1, lines 10 and 19 by reversing the brackets;

And on page 1, line 10 delete “and contributions by“;

And on page 1, line 11 delete “candidates and party executive committes to“;

And on page 1, line 20 delete “*(2)*” and reverse brackets from “(3)“;

And on page 2, line 6 delete “*(3)*” and reverse brackets from “(4)“;

And on page 2, line 10 delete “*(4)*” and reverse brackets from “(5)“;

And on page 2, line 12 delete “*(5)*” and reverse brackets from “*(6)*“;

**HB 575,** AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 118.780 is amended to read as follows:

(1) Any qualified voter who has not been declared incompetent by a court of competent jurisdiction, and who, on account of age, infirmity or illness, is not able to appear at the polls on election day may vote in the following manner. At least seven (7) days prior to the date of the election, he shall present to the clerk by mail his verified statement that his inability to appear is due to age, infirmity, or illness, and a verified statement of a physician corroborating the voter's statement. The clerk shall immediately mail to the voter a special ballot, and envelopes, and the voter shall cast his vote in the same manner as provided for the absent voter in KRS 118.790 and 117.335.

*(2) No absentee voter shall be permitted to receive any assistance in voting unless he makes and signs an oath attached to the absentee ballot that, by reason of inability to read English, or by reason of blindness or other physical disability, he is unable to vote without assistance. The disabled person may be assisted by a person of his own choice. The person assisting the voter shall sign the oath stating that he marked the ballot in accordance with the directions of the disabled voter. The voter shall state in his oath the specific physical disability that requires him to receive assistance, and the county clerk shall enter in writing, on a record of assisted absentee voters, the voter's name and the specific physical disability which required him to receive assistance.*

*(3)* [(2)] Special ballots cast by disabled persons shall be tabulated in the same manner as are special ballots cast by absent voters.

**HB 576,** AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 118.780 is amended to read as follows:

(1) Any qualified voter who has not been declared incompetent by a court of competent jurisdiction, and who, on account of age, infirmity or illness, is not able to appear at the polls on election day may vote in the following manner. At least seven (7) days prior to the date of the election, he shall present to the clerk by mail his verified statement that his inability to appear is due to age, infirmity, or illness, and a verified statement of a physician corroborating the voter's statement. *If the physician indicates in the statement that the disability is a permanent condition the voter need not file further statements of disability. For ensuing elections the voter may make reference to the permanent disability statement previously filed when applying for a special ballot. The county clerk shall maintain a file of disability statements of permanently disabled voters. Upon receipt of the verified statement, the* [The] clerk shall immediately mail to the voter a special ballot, and envelopes, and the voter shall cast his vote in the same manner as provided for the absent voter in KRS 118.790 and 117.335.

(2) Special ballots cast by disabled persons shall be tabulated in the same manner as are special ballots cast by absent voters.

**HB 750,** AN ACT relating to county commissioners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 67.060 is amended to read as follows:

(1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of the fiscal court being composed of the county judge and three (3) commissioners, the county judge shall, before the next regular election for county officers, divide the county into three (3) districts as nearly equal in population as practicable, and shall establish the boundary lines of each of the three (3) commissioner districts so that each district is an unbroken area and not split or divided by another commissioner district. At the next regular election for county officers, and every four (4) years thereafter, there shall be elected by the voters of the entire county three (3) commissioners, one (1) from each district who, with the county judge, shall constitute the fiscal court.

(2) (a) In any county containing a city of the first class, which county has heretofore voted in favor of a fiscal court composed of the county judge and three (3) county commissioners, the county judge shall divide the county into three (3) districts as provided in subsection (1), the districts to be designated for identification purposes by the letters A, B and C, respectively.

(b) The three commissioners shall be elected by the qualified voters of the county at large at regular elections held every four years. One commissioner shall represent District A and shall be elected at the regular election in the year 1973, and two commissioners who shall represent Districts B and C, respectively, shall be elected at the regular election in the year 1975.

(3) Persons seeking the nomination of a political party as candidate for the office of county commissioner shall, where a primary election is required for such political party, be voted upon exclusively by the eligible voters of the district in which the person resides and seeks to represent. Persons seeking the nomination of a minor political party, [or] persons who file as independent candidates *or persons seeking the nomination in counties containing cities of the second class* shall not be subject to the provisions of this paragraph. *They shall be nominated by the voters of the entire county.*

(4) To be eligible for election as a commissioner representing one of the three districts, a person shall have been a bona fide resident of the district he proposes to represent for at least one year immediately preceding the election, and, upon election, shall continue to reside within the district he was elected to represent for the duration of his term of office, under penalty of forfeiture of the office.

(5) Commissioners elected under this section shall take the oath of office and enter upon the discharge of their duties on the first Monday in January after their election, and shall serve for terms of four (4) years and until their successors are elected and qualify.

(6) No person is eligible to be a county commissioner unless he is at least twenty-four (24) years of age and has been for two (2) years next preceding his election a resident of the county and a citizen of Kentucky.

**HR 65,** A CONCURRENT RESOLUTION petitioning the Congress of the United States to adopt a resolution submitting an amendment to the Constitution of the United States concerning recall of federal judiciary, initiative and referendum.

WHEREAS, the right of the American people to petition the government for redress of grievances is a basic Constitutional right; and

WHEREAS, the federal judiciary is removed from the redress of grievances of the people except through the drastic and limited measure of impeachment by the Congress; and

WHEREAS, the people should have the opportunity to reject or implement legislation if the elected officials do not respond to the convictions of the majority of the electorate; and

WHEREAS, democracy shall be strengthened when the people know that the power of their votes can bring direct results when the system of government does not reflect the majority's voice;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That Congress shall adopt a resolution submitting an amendment to the Constitution of the United States granting the right of initiative and referendum to the people and providing for recall of the members of the federal judiciary, including, but not limited to the members of the Supreme Court.

Section 2. That a duly attested copy of this resolution be immediately transmitted to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, each member of the Congress from this state and to each House of each state legislature in the United States.

**HR 75,** A JOINT RESOLUTION ratifying the thirteenth, the fourteenth and the fifteenth amendments to the United States Constitution.

WHEREAS, the thirteenth, fourteenth and fifteenth amendments of the United States Constitution have been duly ratified and have been a part of the United States Constitution since 1865, 1868 and 1870 respectively; and

WHEREAS, Kentucky rejected the fourteenth amendment on January 10, 1867 and has not ratified the thirteenth and fifteenth amendments; and

WHEREAS, the thirteenth amendment abolishes slavery; the fourteenth amendment grants citizenship to all persons born or naturalized in the United States, guarantees due process of law and equal protection under the law to citizens of the United States; and the fifteenth amendment requires that no person be denied the right to vote on account of race or color; and

WHEREAS, Kentucky is long overdue in ratifying these amendments so vital to our democracy, although, fortunately, the effectiveness of these amendments does not depend on Kentucky's ratification or lack of it; and

WHEREAS, this Bicentennial Year is an appropriate time to erase this shadow on Kentucky's history;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the thirteenth amendment to the Constitution of the United States, which reads as follows, is hereby ratified:

(1) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

(2) Congress shall have power to enforce this article by appropriate legislation.

Section 2. That the fourteenth amendment to the Constitution of the United States, which reads as follows, is hereby ratified:

(1) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(2) Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

(3) No person shall be a senator or representative in congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may by a vote of two-thirds of each house, remove such disability.

(4) The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

(5) The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Section 3. That the fifteenth amendment to the Constitution of the United States, which reads as follows, is hereby ratified:

(1) The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

(2) The congress shall have power to enforce this article by appropriate legislation.

Section 4. That the Secretary of State shall cause certified copies of this resolution to be sent to the President of the United States, the Administrator of General Services of the United States, the Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

The Committee on Health and Welfare reported **HB 194,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 2 to **HB 194** is as follows:

Amend printed copy of House Bill 194 on page 1, after line 14, by adding a new Section 2 which reads as follows:

Section 2. KRS 217.822 is amended to read as follows:

(1) When a pharmacist receives a prescription for a brand name drug for which one *(1)* or more equivalent drugs are listed in the formulary prepared by the Drug Formulary Council, he *shall select the lowest priced therapeutically equivalent drug listed by the Drug Formulary Council which he has in stock, unless otherwise instructed by the purchaser or his physician,* [my dispense any one of listed products and shall do so if the purchaser so requests,] provided however that if such substitution is made, the label on the container of the drug shall show both the name of the prescribed drug and the name of the drug dispensed in lieu thereof.

(2) If, in the opinion of a practitioner, it is to the best interest of his patient that an equivalent drug should not be dispensed, he may indicate in the manner of his choice on the prescription "Do Not Substitute," except that the indication shall not be pre-printed on a prescription.

*(3) The substitution of any drug by a pharmacist under the provisions of this Act does not constitute the practice of medicine.*

The Committee on Health and Welfare reported **HB 81** with Committee Substitute and Committee Amendment attached thereto, **HB 376** with Committee Substitute attached thereto, **HB 464** with Committee Amendment attached thereto, **HB 536** with Committee Amendment attached thereto, **HB 623** with Committee Amendment attached thereto, **HB 641, HB 647, HB 690, HB 733** with Committee Amendment attached thereto, **HB 758** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 81,** AN ACT relating to public assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 205 is created to read as follows:

(1) The Department for Human Resources shall conduct a program of short term general assistance whereunder assistance may be rendered for only one (1) period, up to one hundred eighty (180) days in length, in any twelve (12) month period to persons who, through accident or circumstances, are needy and without any means of support from other governmental sources or workmens compensation. Persons eligible for general assistance shall meet one (1) of the following criteria:

(a) Single adults under sixty-five (65) years of age and who are unable to support themselves, and who are not students;

(b) Couples unable to support themselves and who have no dependent children;

(c) Persons who become temporarily disabled;

(d) Persons who have lost their jobs through no fault of their own and who are not covered by unemployment insurance or who have exhausted their unemployment insurance benefits; or

(e) Persons who have qualified or who have applied for assistance from any state public assistance program, or social security program, or supplemental security income program, or unemployment insurance program but who are not yet receiving such assistance.

(2) The Secretary of the Department for Human Resources shall prescribe by regulation the detailed content of the program authorized by subsection (1) of this section. The regulations shall include the following provisions, and may include other provisions where necessary or expedient in the administration of the program:

(a) A formula for setting amounts of assistance and conditions of eligibility to obtain the greatest benefit from funds available in a fiscal period and to assure that available funds last through the fiscal period;

(b) The degree of proof necessary for the applicant to establish eligibility;

(c) The methods of administration and procedure as are found by the department to be necessary to the efficient operation of the program, and which may include contracting for administration of the program by any county within the Commonwealth; and

(d) Other conditions of eligibility based on basic maintenance needs and taking into account the income available to the person, when added to contributions in money, substances, or services from other sources, including contributions from legally responsible relatives.

(3) The right to appeal the denial of assistance shall be provided for as provided under KRS 205.231, 205.234, and 205.237. The applicant shall be informed of his right to appeal the denial of assistance at the time of application.

(4) The department shall administer and expend any sums appropriated by the general assembly for the purpose of providing general assistance to eligible persons.

(5) Assistance shall be disbursed on the day of application for assistance if initial requirements for eligibility are met. The recipients' financial situation shall be thoroughly investigated within a reasonable time to insure that eligibility requirements are being met.

(6) Applicants shall register for employment with the state employment service and shall accept suitable training or suitable employment. The secretary may prescribe by regulation, standards of suitability for training and employment. There shall be a work disregard of income which shall be the same as the current work disregard for parents of a needy child who are receiving public assistance through the department.

(7) Any recipient of general assistance program benefits who subsequently receives retroactive monetary benefits for the same purpose from a governmental agency or workmens compensation carrier and where such benefits amount to dual compensation shall repay to the Department for Human Resources so much of any such recovery as may be necessary to reimburse the department for the general assistance benefits. The department may require any recipient as a condition precedent to receiving assistance to execute an assignment to the department of any such anticipated benefit.

(8) The Department for Human Resources shall collect and publish monthly data to document whether there is a continuing need for general assistance. This data shall include the number of persons who apply for such assistance, the number of persons found eligible and the circumstances for such applications.

The Committee Substitute for **HB 81** is as follows:

**HB 81,** AN ACT relating to short term emergency assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) The Department for Human Resources may conduct a program of short term emergency assistance whereunder assistance may be rendered for a maximum of ninety (90) days in length during any twelve (12) month period beginning with the first date of application to persons who, through accident or circumstances, are needy and without any means of support from other governmental sources or workmen's compensation. Persons eligible for short term emergency assistance shall meet one (1) of the following criteria:

(a) Single adults under sixty-five (65) years of age and who are temporarily unable to support themselves, and who are not students;

(b) Couples temporarily unable to support themselves and who have no dependent children;

(c) Persons who have lost their jobs through no fault of their own and who are not covered by unemployment insurance or who have exhausted their unemployment insurance benefits; or

(d) Persons who have been determined to be eligible for assistance from any state public assistance program, or social security program, or supplemental security income program, or unemployment insurance but who are not yet receiving such assistance.

(2) The Secretary of the Department for Human Resources shall determine:

(a) A formula for setting amounts of assistance for short term emergency assistance benefits which shall not exceed those for whom recipients of public assistance are eligible in order to obtain the greatest benefit from funds available in a fiscal period and to assure that available funds last through the fiscal period;

(b) The degree of proof necessary for the applicant to establish eligibility which shall include place of residence, social security number, two (2) collateral references, and employment history;

(c) The methods of administration and procedure as are found by the department to be necessary to the efficient operation of the program, and which may include contracting for administration of the program by any county within the Commonwealth; and

(d) Further conditions of eligibility by taking into account the income available to the person, when added to contributions in money, substances, or services from other sources, including contributions from legally responsible relatives.

(3) The right to appeal the denial of assistance shall be provided for as provided under KRS 205.231, 205.234, and 205.237. The applicant shall be informed of his right to appeal the denial of assistance at the time of application.

(4) Assistance shall be disbursed by a voucher system within three (3) days of application for assistance if initial requirements for eligibility are met. Sources and amounts of income available to any applicant or recipient of short term emergency assistance benefits shall be thoroughly investigated within a reasonable time to insure that eligibility requirements are met.

(5) Recipients shall register for employment with the state employment service and shall accept suitable training or suitable employment. Standards of suitability for training and employment shall be the same as for recipients of public assistance benefits. There shall be a work disregard of income which shall be the same as the current work disregard for parents of a needy child who are receiving public assistance through the department.

(6) Any recipient of short term emergency assistance program benefits who subsequently receives retroactive monetary benefits for the same purpose from a governmental agency or workmen's compensation carrier and where such benefits amount to dual compensation shall repay to the Department for Human Resources so much of any such recovery as may be necessary to reimburse the department for the short term emergency assistance benefits. The department may require any applicant as a condition precedent to receiving assistance to execute an assignment to the department of any such anticipated benefit.

(7) The Department for Human Resources shall collect and publish monthly data to document whether there is a continuing need for short term emergency assistance. This data shall include the number of persons who apply for such assistance, the number of persons found eligible and the circumstances for such applications.

(8) The department may administer and expend any sums appropriated by the General Assembly for the purpose of providing short term emergency assistance to eligible persons.

SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The provisions of Section 1 of this Act shall become operative on July 1, 1977 upon a determination by the Secretary of the Department for Human Resources that the following conditions exist:

(a) The programs described in the executive budget for 1976-78 and funded in House Bill 374 of the 1976 General Assembly will not be adversely effected by implementing the provisions of Section 1 of this Act; and

(b) The assistance authorized under the provisions of Section 1 of this Act can be implemented by the Department for Human Resources without increasing the total general fund appropriation for that department.

Section 3. KRS 205.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 205.170 or 205.175 shall be fined not less than $50.00 nor more than $200 or imprisoned for not more than six (6) months or both.

(2) Any person who knowingly makes a false statement or representation or knowingly fails to disclose a material fact to procure, increase or continue any benefit for himself or another or who wilfully violates any of the provisions of KRS 205.160 to 205.250 and KRS 205.290 to 205.310, or any rule or regulation thereunder, shall be fined not less than $10.00 nor more than $50.00, or imprisoned for not more than thirty (30) days, or both. Each false statement, representation, failure or violation and each benefit payment made in reliance on such false statement, representation, failure or violation shall constitute a separate offense.

*(3) Any person who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact in order to secure or continue benefits under the provisions of this Act, shall be fined not less than one hundred dollars ($100) nor more than two hundred and fifty dollars ($250), or confined in the county jail for not more than sixty (60) days, or both. Each false statement, representation, or failure to disclose a material fact shall constitute a separate offense.*

The Committee Title Amendment to Committee Substitute **HB 81** is as follows:

Amend printed copy of Committee Substitute for House Bill 81, Title Amendment: AN ACT relating to short term emergency assistance.

**HB 376**, AN ACT relating to Community Action Corporations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 273 is created to read as follows:

(1) An outreach program shall be developed to serve those counties which are not presently served by community action corporations that meet the requirements of KRS 273.435. The outreach program shall be for the purpose of alleviating poverty within a community or area in a county not currently served by a community action corporation.

(2) The department for human resources shall allocate funds to the Kentucky Association of Community Action Agencies for carrying out the purposes of this Act. The Kentucky Association of Community Action Agencies shall determine the county jurisdiction of the community action corporations for those counties requesting inclusion into a community action corporation and shall distribute allocated funds to the community action corporations for use in these counties.

Section 2. A new section of KRS Chapter 273 is created to read as follows:

The department for human resources shall allocate additional funds to the Kentucky Association of Community Action Agencies for administrative purposes. These funds shall be used by the Kentucky Association of Community Action Agencies where necessary for carrying out the purposes of the community action corporations.

Section 3. (1) To carry out the purposes of Section 1 of this Act there is appropriated to the department for human resources out of the general fund in the state treasury the sum of $200,000 dollars for the 1976-77 fiscal year and the sum of $200,000 for the 1977-78 fiscal year.

(2) To carry out the purposes of Section 2 of this Act there is appropriated to the department for human resources out of the general fund in the state treasury the sum of $50,000 for the 1976-77 fiscal year and the sum of $50,000 for the 1977-78 fiscal year.

The Committee Substitute for **HB 376** is as follows:

**HB 376**, AN ACT relating to Community Action Corporations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 273 IS CREATED TO READ AS FOLLOWS:

(1) An outreach program shall be developed to serve those counties which are not presently served by community action corporations that meet the requirements of KRS 273.435. The outreach program shall be for the purpose of alleviating poverty within a community or area in a county not currently served by a community action corporation.

(2) The Department for Human Resources shall allocate funds through the Center for Aging and Community Services Development, Planning Branch, for carrying out the purposes of this Act. The Center for Aging and Community Services Development, Planning Branch, shall determine the county jurisdiction of the community action corporations for those counties requesting inclusion into a community action corporation and shall distribute allocated funds to the appropriate community action corporations for use in these counties.

Section 2. (1) To carry out the purposes of Section 1 of this Act there is appropriated to the Department for Human Resources, Community Services Development, Planning Branch, out of the general fund in the state treasury the sum or $250,000 dollars for the 1976-77 fiscal year and the sum of $250,000 of the 1977-78 fiscal year to be dispensed to the designated community action agencies for those affected counties for the purposes of salary, fringe benefits, travel and other related cost.

(2) If a county chooses to participate in the outreach program, the Center for Aging and Community Services Development, Planning Branch, shall allocate $7,812 for fiscal year 1976-77 and $7,812 for fiscal 1977-

78 for those participating counties and determine which community action agency shall administer the program as outlined in the legislation.

(3) Unallocated funds shall be held in escrow in the event a county chooses to participate in the outreach program at a later time. Such counties shall receive its prorated share for the balance of the funding period. All remaining funds shall be returned to the state treasury at the end of fiscal year 1976-77 and 1977-78.

**HB 464,** AN ACT relating to medical assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 205.560 is amended to read as follows:

(1) The scope of medical care for which the Department for Human Resources undertakes to pay shall be designated and limited by regulations promulgated by said department, pursuant to the provisions hereof. *However, the provision of dentures shall be a mandatory class in the scope of medical care.* The selection of *another* [the] class or *other* classes of medical care shall be recommended by the council to the Secretary for Human Resources after taking into consideration, among other things, the amount of federal and state funds available, the most essential needs of recipients, and the meeting of such need on a basis insuring the greatest amount of medical care as defined in KRS 205.510 consonant with the funds available including but not limited to the following categories:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization;

(b) Nursing home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician, dentist, or podiatrist;

(c) Drugs, nursing care, medical supplies and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician, dentist, or podiatrist;

(d) Physician, podiatric, dental and optometric services.

(2) Payments for hospital care, nursing home care, and drugs or other medical, ophthalmic, podiatric and dental supplies shall be on bases which relate the amount of the payment to the cost of providing such services or supplies. It shall be one of the functions of the council to make recommendations to the Department for Human Resources with respect to such bases for payment.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments within each category of public assistance and other recipients shall be uniform for the entire state, and shall be designated by regulation promulgated within the limitations established by the Social Security Act and federal regulations. The amount of payments for units of services need not be uniform for the entire state but may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in such locale and other local economic and geographic conditions.

(5) Nothing in this section shall require that any payment be made for optometric services or ophthalmic supplies.

The Committee Amendment to **HB 464** is as follows:

Amend printed copy of House Bill 464 on page 1, line 7 by adding after the word "*of*" the words "*complete upper and lower*"

And on page 1, line 7, by adding after the word "*dentures*" the words "*to recipents of medical assistance program benefits who have their teeth removed by a dentist resulting in the total absence of teeth*"

And on page 1, line 8, by adding after the words "*medical care.*" the following sentence: *Payment to a dentist of any such medical assistance program benefits for complete upper and lower dentures shall only be provided on the condition of a preauthorized agreement between an authorized representative of the medical assistance program and the dentist prior to the removal of such teeth.*"

**HB 536,** AN ACT relating to occupational therapy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:
This Act shall be known and may be cited as the "Occupational Therapy Practice Act".

SECTION 2. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:
In order to safeguard the public health, safety, and welfare, protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, assure the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants, and assure the availability of occupational therapy services of high quality to persons in need of such services, it is the purpose of this Act to provide for the regulation of persons offering occupational therapy services to the public.

SECTION 3. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:
As used in this Act:

(1) "Board" means the Kentucky Board of Occupational Therapy Practice as established in Section 7 of this Act.

(2) "Occupational therapy" means the evaluation and treatment of individuals whose ability to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness or psychological and social disability. The treatment utilizes task oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual. Specific occupational therapy techniques include, but are not limited to, activities of daily living (ADL), the fabrication and application of splints, perceptual-motor activities, the use of specifically designed crafts, guidance in the selection, use of adaptive equipment, exercises to enhance functional performance, and prevocational evaluation and treatment. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems.

(3) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this Act, and whose license is in good standing.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of or with the consultation of an occupational therapist, and whose license is in good standing.

(5) "Occupational therapy aide" means a person who assists in the practice of occupational therapy, who works under the supervision of an occupational therapist, and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy.

(6) "Person" means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this Act.

(7) "Association" means the Kentucky Occupational Therapy Association.

SECTION 4. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:
No person shall practice occupational therapy or hold himself out as an occupational therapist or an occupational therapy assistant, or as being able to practice occupational therapy or to render occupational therapy services in the state unless he is licensed in accordance with the provisions of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed;

(b) Any person employed as an occupational therapist or occupational therapy assistant by the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed;

(c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee;

(d) Any person fulfilling the supervised field work experience requirements of Section 11, if such activities and services constitute a part of the experience necessary to meet the requirements of that section; or

(e) Any person employed by or working under the supervision of an occupational therapist as an occupational therapy aide;

(f) Any person performing occupational therapy services in this state who is not licensed under this Act, if such services are performed for no more than ninety (90) days a calendar year in association with an occupational therapist licensed under this Act, if such person meets the qualifications for license under this Act except for the qualifying examination; or

(g) Any person performing occupational therapy services in the state, who is not licensed under this Act, if such services are performed for no more than ninety (90) days in a calendar year in association with an occupational therapist licensed under this Act, if:

1. such person is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this Act, or

2. such person meets the requirements for certification as an Occupational Therapist Registered (OTR), or a Certified Occupational Therapy Assistant (COTA), established by the American Occupational Therapy Association.

(2) No provision of this Act shall be construed to prohibit physicians, nurses, physical therapists, osteopathic physicians, and surgeons, or clinical psychologists from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession.

SECTION 6. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

A limited permit may be granted to persons who have completed the education and experience requirements of this Act. This permit shall allow the person to practice occupational therapy under the supervision of an Occupational Therapist Registered and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination.

SECTION 7. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

There is hereby established a Kentucky Board of Occupational Therapy which shall consist of three (3) members who shall be appointed by the Governor from a list of five (5) persons submitted by the Kentucky Occupational Therapy Association, all of whom shall be residents of Kentucky and shall have engaged in the practice of Occupational Therapy within this state for at least two (2) years. Members of the first board shall be appointed for terms of one (1), two (2), and three (3) years, respectively. Subsequent appointments shall be for a term of three (3) years and until their successors are appointed and qualify. Vacancies shall be filled by the Governor in like manner from a list of five (5) submitted by the Kentucky Occupational Therapy Association. The board shall annually elect a chairman and a secretary.

SECTION 8. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) It shall be the duty of the board to receive applications from persons desiring to become occupational therapists and to determine whether said applicants meet the qualifications and standards required by this chapter of all occupational therapists. The board shall also be charged with enforcement of the provisions of this chapter.

(2) The board is hereby constituted a body corporate, with power to sue and be sued, to institute criminal proceedings in the name of the Commonwealth against violators of this chapter, or to institute civil proceedings to enjoin violation thereof, or both. It shall investigate every supposed violation of this chapter coming to its notice and shall take such action as it may deem to be appropriate. It shall be the duty of the attorney general, the commonwealth's attorneys and the county attorneys to assist the board in prosecuting all violations of this chapter.

(3) The board shall meet at least once each quarter at such place in this state as may be selected by the board. Two (2) members of the board shall constitute a quorum for the transaction of business. All meetings shall be held at the call of the chairman upon not less than ten (10) days' written notice, unless notice shall be waived. The presence of any member at any such meeting of the board shall constitute a waiver of notice thereof by such member.

(4) The board may administer oaths and compel the attendance of witnesses to give testimony as to any matters pertaining to its duties. It shall keep a minute book containing a record of all meetings of the board, and a register of all persons licensed under this chapter. This register shall show the name of every licensed occupational therapist in this state, his last known business and residence address, and the date and number of his license. The board may distribute copies of its register to medical facilities in the state.

(5) The board shall adopt a seal which shall be affixed to every license granted by it. Pursuant to KRS Chapter 13 the board may adopt and enforce reasonable regulations for the effectuation of the purposes of this chapter.

SECTION 9. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

All fees collected by the board shall be paid into the state treasury and credited to an account for the payment of all lawful expenses of the board. Each member of the board shall be entitled to expenses as determined by board policy for attending each meeting of the board, and the board may employ such personnel and purchase such materials and supplies as it may deem necessary for the proper discharge of its duties, all of which shall be paid for out of the account hereby created on vouchers certified by the chairman.

SECTION 10. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

Any person aggrieved by an order of the board denying, suspending or revoking his license may appeal to the Franklin Circuit Court within thirty (30) days after entry of said order, for appropriate relief. On such appeal the scope of review shall be limited to an examination of the record of the board's action for the purpose of determining whether the board abused its discretion. It shall be the duty of the appellant to furnish the court with a properly certified transcript of any evidence heard by the board, and the court may refuse to review any findings of fact made by the board unless such a transcript is filed within sixty (60) days after the filing of the appeal.

SECTION 11. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that he:

(1) Is of good moral character.

(2) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biologic or physical science, psychology and sociology and with education in selected manual skills. For an occupational therapist, such a program shall be accredited by the American Medical Association in collaboration with the American Occupational Therapy Association. For an occupational therapy assistant, such a program shall be approved by the American Occupational Therapy Association.

(3) Has successfully completed a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements. For an occupational therapist a minimum of six (6) months of supervised field work experience is required. For an occupational therapy assistant, a minimum of two (2) months of supervised field work experience is required.

(4) Has passed an examination conducted by the board as provided in Section 8 of this Act.

An applicant who has practiced as an occupational therapy assistant for four (4) years with a minimum of six (6) months of supervised field experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under subsection (2) of this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Any person applying for licensure in addition to demonstrating his eligibility in accordance with the requirements of Section 11 of this Act shall make application to the board for examination at least thirty (30) days prior to the date of examination, upon a form and in such a manner as the board shall prescribe. Such application shall be accompanied by the fee prescribed by Section 17, which fee shall not be refunded. A person who fails an examination may make reapplication for reexamination accompanied by the prescribed fee.

(2) Each applicant for licensure under this Act shall be examined by the board in written examination to test his knowledge of the basic and clinical sciences relating to occupational therapy, and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance.

(3) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine. Examinations shall be given at least twice each year at such places within this state as the board may determine and the board shall give reasonable public notice of such examination in accordance with its rules at least sixty (60) days prior to their administration, and shall notify by mail all individual examination applicants of the time and place of their administration.

(4) Applicants may obtain their examination scores and may review their papers in accordance with such rules as the board may establish.

SECTION 13. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) The board shall waive the examination and grant a license to any person certified prior to the effective date of this Act as an occupational therapist registered (OTR) or a certified occupational therapy

assistant (COTA) by the American Occupational Therapy Association. The board may waive the examination and grant a license to any person so certified after the effective date of this Act, if the board considers the requirements for such certification to be equivalent to the requirements for licensure in this Act.

(2) The board may waive the examination and grant a license to any applicant who shall present proof of current licensure as occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this Act. The board may license, by reciprocity, a foreign trained therapists if the conditions of the statute governing same are met.

(3) The board shall waive the education, experience, and examination requirements for licensure in Section 11(2) and (3) of this Act for applicants for licensure who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to the effective date of this Act. Such proof of actual practice shall be presented to the board in such a manner as it may prescribe by rule. To obtain the benefit of this waiver, an applicant shall file an application for license no later than one (1) year from the effective date of this Act.

SECTION 14. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) The board shall issue a license to any person who meets the requirements of this Act upon payment of the license fee prescribed.

(2) Any person who is issued a license as an occupational therapist under the terms of this Act may use the words "occupational therapist," "licensed occupational therapist," or "occupational therapist registered," or he may use the letters "O.T.," "L.O.T.," or "O.T.R.," in connection with his name, or place of business to denote his registration hereunder.

(3) Any person who is issued a license as an occupational therapy assistant under the terms of this Act may use the words, "occupational therapy assistant," "licensed occupational therapy assistant," or "certified occupational therapy assistant," or he may use the letters, "O.T.A.," "L.O.T.A.," or "C.O.T.A.," in connection with his name, or place of business to denote his registration hereunder.

SECTION 15. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) The board may deny or refuse to renew a license, or may suspend or revoke a license, or may impose probationary conditions, where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(a) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(b) Being guilty of unprofessional conduct as defined by the rules established by the board, or violating the Code of Ethics adopted and published by the board; or

(c) Being convicted of a crime other than minor offenses defined as "minor misdemeanors," "violations," or "offenses," in any court if the acts for which he was convicted are found by the board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant.

(2) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the board. One (1) year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

SECTION 16. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Licenses issued under this Act shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the rules of the board, upon the payment of a renewal fee. The board may set a required number of continuing education units for license renewal. The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules, but no such late renewal of a license may be granted more than five (5) years after its expiration.

(2) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement shall pay the renewal fee and any late fee that may be applicable.

SECTION 17. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

The board shall prescribe, and publish in the manner established by its rules, fees in amounts determined by the board for the following purposes:

(1) Application for examination;
(2) Initial license fee;
(3) Renewal of license fee; or
(4) Late renewal fee.

Such fees shall be set in such an amount as to reimburse the state, to the extent feasible, for the cost of the services rendered.

SECTION 18. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

It is unlawful for any person who is not registered under this Act as an occupational therapist or an occupational therapy assistant or whose registration has been suspended or revoked, to use, in connection with his name or place of business, the words "occupational therapists," "licensed occupational therapist," "occupational therapist registered," "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or the letters, "O.T.," "L.O.T.," "O.T.R.," "O.T.A.," "L.O.T.A.," or "C.O.T.A.," or any other words, letters, abbreviations or insignia indicating or implying that he is an occupational therapist or an occupational therapy assistant or who in any way, orally, in writing, in print or by sign, directly or by implication, represents himself as an occupational therapist or an occupational therapy assistant.

SECTION 19. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Each violation of Section 18 shall constitute a misdemeanor and be punished by a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or both, for the first offense. Each subsequent violation thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) or by imprisonment for not less than thirty (30) days nor more than ninety (90) days or both.

(2) Any person who shall knowingly make a false statement in his application for licensure under this chapter, or in response to any proper inquiry by the board, shall be guilty of a misdemeanor and fined not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) or imprisoned for not less than thirty (30) days nor more than six (6) months, or both.

SECTION 20. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

If a part of this Act is held unconstitutional or invalid, all valid parts that are severable from the invalid or unconstitutional part shall remain in effect. If a part of this Act is held unconstitutional or invalid in one or more of its applications, the part shall remain in effect in all constitutional and valid applications that are severable from the invalid applications.

The Committee Amendment to **HB 536** is as follows:

Amend printed copy of House Bill 536 on page 9, line 10, by deleting the word "Franklin"

And on page 15, line 18, by deleting the words "may, but" and the word "not" and by deleting the comma after the word "to"

**HB 623,** AN ACT relating to state purchases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS 45.360 TO 45.990 IS CREATED TO READ AS FOLLOWS:

The purpose of this Act is to further the practice of the commonwealth to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through training for useful and gainful employment, and to reduce the dependence on direct governmental funding of those non-profit agencies which provide training for those individuals by providing access to markets for their products and services.

SECTION 2. A NEW SECTION OF KRS 45.360 TO 45.990 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Blind" means an individual having central visual acuity 20/200 or less in the better eye with correcting glasses; or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty (20) degrees; or any certified medical disability or condition which will reasonably result in such visual acuity condition or field defect.

(2) "Direct labor" includes all work required for preparation, processing, and packing, but not supervision, administration, inspection, and shipping.

(3) "Other severely handicapped individuals" and "severely handicapped individuals" mean an individual or class of individuals with a physical, emotional, or mental disability, other than blindness, that constitutes an obstacle to new or continued normal employment.

(4) "Products" means programs, books, tapes, records, processes, packaging, modification, supplies, food, clothing, materials, commodities, equipment of all kinds, and any other article of commerce originally manufactured or assembled or purchased for resale by a qualified non-profit agency.

(5) "Qualified non-profit agency for the blind" means an organization that:

(a) Is organized and operated in the interest of blind individuals; and

(b) Complies with any applicable occupational health and safety law of the United States and the commonwealth; and

(c) In the manufacture or provision of products or services that are listed or purchased under this Act, during the fiscal year employs blind individuals for not less than seventy-five percent (75%) of the man hours of direct labor required for the manufacture or provision of the products and services; and

(d) Is registered and in good standing as a non-profit organization with the secretary of state.

(6) "Qualified non-profit agency for the severely handicapped" means an organization that:

(a) Is organized and operated in the interest of severely handicapped individuals; and

(b) Complies with any applicable occupational health and safety law of the United States and the commonwealth; and

(c) In the manufacture or provision of products or services listed or purchased under this Act, during the fiscal year employs blind and other severely handicapped individuals for not less than seventy-five percent (75%) of the man hours of direct labor required for the manufacture or provision of the products or services; and

(d) Is registered and in good standing as a non-profit organization with the secretary of state.

(7) "Services" means contractual services; rental services of all kinds; professional, technical or artistic services; and other personal performance of work by officers, employes or beneficiaries of a non-profit agency.

(8) "State agency" means those spending agencies subject to the state purchasing requirements of KRS 45.360 to 45.990 and any regulations promulgated pursuant thereto.

SECTION 3. A NEW SECTION OF KRS 45.360 TO 45.990 IS CREATED TO READ AS FOLLOWS:

If a qualified non-profit agency described in Section 2 of this Act files with the state division of purchases the information required by KRS 45.390(1), such qualified non-profit agency, for the list of bidders applicable to such products and services as the non-profit agency desires to bid on and furnish, shall be deemed by the division presumptively qualified under paragraph (c) of KRS 45.390(1).

SECTION 4. A NEW SECTION OF KRS 45.360 TO 45.990 IS CREATED TO READ AS FOLLOWS:

Where a non-profit agency described in Section 2 of this Act has become qualified to bid on state purchases, and its products and services have been filed and listed with the executive department for finance and administration as a prospective bidder, pursuant to KRS Chapter 45, the division of purchases and any state agency shall give preference to such non-profit agency in all purchases by or for state agencies, but only if the non-profit agency's products or services meet the requirements of those state agencies or the division of purchases as to quality, quantity and price.

The Committee Amendment to **HB 623** is as follows:

Amend printed copy of House Bill 623 on page 4, line 21, by changing the word "shall" to "may"

**HB 641,** AN ACT relating to the hospitalization of the mentally retarded.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 202B IS HEREBY ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Kentucky Mental Retardation Hospitalization Act".

SECTION 2. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Mentally retarded person" means a person with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period;

(2) "Mental retardation residential treatment center" means a residential treatment facility approved by the department for the evaluation, care and treatment of mentally retarded persons;

(3) "Qualified mental retardation professional" means:

(a) a psychologist licensed under the provisions of KRS Chapter 319, who has either one year of specialized training for work with mentally retarded persons or one year of clinical experience with mentally retarded persons;

(b) a licensed registered nurse with a Master's degree in psychiatric nursing from an accredited institution, with two (2) years of clinical experience. At least one (1) year of such experience shall be with mentally retarded persons, or he shall have one year of specialized training for work with mentally retarded persons;

(c) a certified social worker licensed under the provisions of KRS Chapter 335 or accredited by the Academy of Certified Social Workers, with two (2) years of clinical experience. At least one (1) year of such experience shall be with mentally retarded persons, or he shall have one year of specialized training for work with mentally retarded persons;

(d) a psychologist with a Master's degree from an accredited institution who has been awarded a certificate of qualification by the Kentucky Board of Examiners of Psychologists under the provisions of KRS Chapter 319, with two (2) years of clinical experience. At least one (1) year of such experience shall be with mentally retarded persons, or he shall have one year of specialized training for work with mentally retarded persons; and

(e) other professional persons with similar training and experience who are qualified according to regulations promulgated by the secretary to participate in 72-hour involuntary hospitalization procedures under this Act.

(4) "Resident" means a person under care or treatment in a mental retardation residential treatment center pursuant to the provisions of this Act;

(5) All terms defined in KRS Chapter 202A shall have the same meaning when used in this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

Hospitalization for the care and treatment of mentally retarded persons shall be provided by the same procedures as hospitalization of mentally ill persons as provided in KRS Chapters 203 and 210 and as set forth in Sections 3 to 17 and Section 20 of KRS Chapter 202A, except that:

(a) when the court appoints qualified persons to examine an allegedly mentally retarded respondent such persons shall, where possible, have made a special study of mental retardation;

(b) a qualified mental retardation professional may be substituted for one but not both physicians when certification is required for involuntary hospitalization under this Act; and

(c) all functions of a hospital as set forth in KRS Chapter 202A may be carried out by a mental retardation residential treatment center.

SECTION 4. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

When mentally retarded individuals are involuntarily hospitalized under this Act, the department may place them in a mental retardation residential treatment center. No mentally retarded person may be involuntarily placed in a hospital without the consent of the secretary, except when the determination of concurrent mental illness is made under the provisions of KRS Chapter 202A. No mentally retarded person or juvenile may be involuntarily admitted to a hospital or mental retardation residential treatment center when the department determines that appropriate programs and space are not available.

SECTION 5. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

When a person who is alleged to be mentally retarded is involuntarily committed, there shall be a determination that:

(a) he is a mentally retarded person;

(b) he presents an immediate danger or an immediate threat of danger to self or others;

(c) the least restrictive alternative mode of treatment requires placement in a hospital or mental retardation residential treatment center; and

(d) treatment that can reasonably benefit the individual is available in the hospital or mental retardation residential treatment center.

SECTION 6. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

All rights guaranteed by KRS Chapters 202A, 203 and 210 to mentally ill persons shall apply to mentally retarded persons.

SECTION 7. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

The secretary shall adopt rules and regulations for the proper administration and enforcement of this Act. Such rules and regulations shall include, but shall not be limited to:

(1) rights of mentally retarded residents and their families to be adequately informed as to the individual treatment program of the resident;

(2) rights of residents and their families to assist in the planning of the treatment program of the resident;

(3) rights of residents and their families under certain conditions to refuse treatment offered to the resident by the hospital or mental retardation residential treatment center;

(4) rights of residents to maintain, keep and use personal possessions and money;

(5) rights of residents to meet with friends and relatives;

(6) rights of residents to receive payment for work performed on behalf of the hospital or mental retardation residential treatment center;

(7) rights of residents to refuse intrusive treatments, including electroshock or psychosurgery;

(8) rights of residents to seek relief from participating in their treatment plans;

(9) rights of residents who are minors to seek relief from actions, approved by their parents or guardians, for or against admission and discharge;

(10) the use of seclusion and other mechanical restraints in hospitals and mental retardation residential treatment centers;

(11) the transfer of residents between hospitals and mental retardation residential treatment centers and between mental retardation residential treatment centers and forensic psychiatric facilities;

(12) the release of residents to less restrictive alternative modes of treatment on convalescent status; and

(13) provisions for alternative methods for involuntary hospitalization.

SECTION 8. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

Persons carrying out duties or rendering professional opinions as provided in this Act shall be free of personal liability for such actions provided that such activities are performed in good faith within the scope of their official duties and in a manner consistent with accepted professional practices.

SECTION 9. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

(1) The unwarranted hospitalization of any individual under the provisions of this Act; or

(2) The denial of any individual of any of the rights accorded to him under the provisions of this Act shall be punished by a fine not exceeding five thousand dollars ($5,000) or imprisoned for a term not to exceed five (5) years or both.

**HB 647,** AN ACT relating to the hospitalization of the mentally ill.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS Chapter 202A is hereby established and may be cited as the "Kentucky Mental Health Hospitalization Act".

SECTION 2. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Authorized staff physician" means a physician who is a bona fide member of the hospital's medical staff;

(2) "Department" means the Kentucky Department for Human Resources;

(3) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing in-patient evaluation, care and treatment for mentally ill or mentally retarded persons who have been charged with or convicted of a felony;

(4) "Hospital" means a state mental hospital or institution or other public or private hospital, institution, health care facility, or part thereof, other than designated forensic psychiatric facilities, licensed and approved by the Kentucky Department for Human Resources as equipped to provide residential care and treatment for mentally ill or mentally retarded persons; and which is a part of, or has affiliation agreements with, the department for the care of such persons;

(5) "Immediate danger" or "immediate threat of danger to self or others" means substantial physical harm or immediate threat of substantial physical harm upon self or others, including actions which deprive self or others of the basic means of survival including provision for reasonable shelter, food or clothing;

(6) "Least restrictive alternative mode of treatment" means that treatment which will give a mentally ill or a mentally retarded individual a realistic opportunity to improve his level of functioning, consistent with accepted professional practice in the least confining setting available;

(7) "Mentally ill person" means a person with substantially impaired capacity to use self-control, judgment or discretion in the conduct of his affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior or emotional symptoms can be related to physiological, psychological and/or social factors;

(8) "Patient" means a person under observation, care or treatment in a hospital pursuant to the provisions of this chapter;

(9) "Physician" means a person licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of his official duties;

(10) "Qualified mental health professional" means:

(a) a psychologist licensed under provisions of KRS Chapter 319;

(b) a licensed registered nurse with a Master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons;

(c) a certified social worker licensed under the provisions of KRS Chapter 335 or accredited by the Academy of Certified Social Workers, with two (2) years of clinical experience with mentally ill persons;

(d) a psychologist with a Master's degree from an accredited institution who has been awarded a certificate of qualification by the Kentucky Board of Examiners of Psychologists under the provisions of KRS Chapter 319, with two (2) years of clinical experience with mentally ill persons; or

(e) other professional persons with similar training and experience who are qualified according to regulations promulgated by the secretary to participate in 72-hour involuntary hospitalization procedures under this Act;

(11) "Residence" means legal residence as determined by applicable principles governing conflicts of laws;

(12) "Respondent" means a person alleged in a hearing under this chapter to be a mentally ill person or a mentally retarded person;

(13) "Secretary" means the secretary of the Department for Human Resources.

SECTION 3. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Authorized staff physicians of a hospital may admit for observation, diagnosis, care and treatment any person who is mentally ill or who has symptoms of mental illness and who applies voluntarily therefor, and any unemancipated person under eighteen (18) years of age who is mentally ill or who has symptoms of mental illness following application in his behalf by his parent or guardian, the application being signed by the applicant or his guardian in the presence of two (2) witnesses.

(2) An authorized staff physician of a hospital shall discharge any voluntary patient who has recovered or whose hospitalization he determines to be no longer necessary or advisable. An authorized staff physician shall also discharge any patient admitted under subsection (1) of this section who reaches eighteen (18) years of age unless the patient voluntarily decides to remain in the hospital or the patient is involuntarily committed in accordance with the provisions of this Act.

(3) If a voluntary patient requests his release, or if his release is requested in writing by his guardian, spouse, or relative, he shall be released unless two (2) authorized staff physicians, or one (1) authorized staff physician and one (1) qualified mental health professional, of the hospital to which the patient has been voluntarily admitted conclude that the patient is a mentally ill person and presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness, and if they also conclude that he can reasonably benefit from treatment and that hospitalization is the least restrictive alternative mode of treatment, then the hospital may continue to hold the patient for a period not to exceed seventy-two (72) hours (excluding holidays) from the receipt of a request for release.

(4) Any patient who has been retained in a hospital under subsection (3) of this section shall be released from the hospital within seventy-two (72) hours (excluding holidays) of his request for release unless a proper petition for further hospitalization has been filed under the provisions of this Act, in which case the individual may be retained until the proceeding is terminated by a judgment or an order of the appropriate court. In no case shall the patient be retained in the hospital longer than twenty-one (21) days from the date of application under this section without a hearing and order of the appropriate court pursuant to the applicable provisions of this Act, unless the patient agrees to remain voluntarily.

SECTION 4. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) If a person in need of immediate care and treatment because of mental illness is present at, or is presented at, a hospital without a court order required for hospitalization under a procedure included in this Act, KRS Chapter 203 or 210, two (2) authorized staff physicians, or one (1) authorized staff physician and one (1) qualified mental health professional, of the hospital may order admission of the individual for up to seventy-two (72) hours pending an application for a hearing as provided by the involuntary hospitalization procedures of this Act, KRS Chapter 203 or 210. The physician may, at the time of such admission, initiate without delay any application for an emergency hospitalization order, or other involuntary hospitalization as provided by this Act, KRS Chapter 203 or 210.

(2) The authorized staff personnel admitting the individual for involuntary hospitalization under the provisions of subsection (1) of this section must certify in the record of the individual that in their opinion the individual is a mentally ill person and presents an immediate danger or an immediate threat of danger to self or others, as a result of mental illness, if not restrained. The authorized staff personnel admitting a mentally ill person shall further certify in the medical record of the individual that treatment which will reasonably benefit the individual is available at the facility to which he has been admitted and that hospitalization is the least restrictive alternative mode of treatment.

(3) Any person may be admitted to a hospital upon the certification of two (2) physicians, or one (1) physician and one (1) qualified mental health professional, that they have examined the person and have concluded that he is a mentally ill person; that because of his illness he is in need of care and can reasonably benefit from treatment in a hospital; that hospitalization is the least restrictive alternative mode of treatment; and because of such illness he presents an immediate danger or an immediate threat of danger to self or others if not restrained. No person shall be admitted to a hospital on the basis of such certification at any time after the expiration of three (3) days from the date of the examination.

(4) Any individual who has been admitted to a hospital under subsections (1) or (3) of this section shall be released from the hospital within seventy-two (72) hours (excluding holidays) unless a proper petition for further hospitalization has been filed under the provisions of this Act, in which case the individual may be retained until the proceeding is terminated by a judgment or an order of the appropriate court. In no case shall the patient be retained in the hospital longer than twenty-one (21) days from the date of application under this section without a hearing and order of the appropriate court pursuant to the applicable provisions of this Act, unless the patient agrees to remain voluntarily.

SECTION 5. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents an immediate danger or an immediate threat of danger to self or others if not immediately restrained shall detain that person without a warrant. The peace officer shall, as soon as practical, cause the person to be examined by a physician. If facilities are available and an authorized staff physician agrees, the person may be lodged in a hospital rather than a jail pending a hearing as provided in this section. If the physician after an examination of the individual certifies in writing that in his opinion the individual is a mentally ill person and presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and can reasonably benefit from treatment, and that hospitalization is the least restrictive alternative mode of treatment, then he shall be taken before a judge of a circuit, county or police court within forty-eight (48) hours of detention (excluding weekends and holidays). That court will hold a hearing to determine whether or not the individual should be involuntarily committed to a hospital for a period of seven (7) days.

(2) Respondent's presence at the hearing may be waived by the respondent.

(3) The respondent shall be represented at this hearing by an attorney either retained by respondent or provided by the Commonwealth. The respondent shall be afforded an opportunity to testify, to present and cross-examine witnesses for or against him. The court may in its discretion receive the testimony of any other persons. The hearing shall be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the mental health of the respondent. The hearing may be held by the court in chambers if feasible. If upon completion of the hearing the court finds that the respondent is (a) a mentally ill person, (b) because of his illness presents an immediate danger or an immediate threat of danger to self or others, (c) that the least restrictive alternative mode of treatment requires hospitalization, and (d) that treatment which can reasonably benefit the respondent is available in the hospital, then the court shall order the individual hospitalized in a hospital selected by the department for a period not to exceed seven (7) consecutive days.

(4) If at the end of seven (7) consecutive days a formal application has not been made for a further hospitalization under the provisions of this Act, then the patient shall be discharged and the court issuing the hospitalization order notified of the date of release.

(5) When a formal application has been made for a further involuntary hospitalization under the provisions of this Act, the patient shall not be retained in the hospital longer than twenty-one (21) days from the date of application without a hearing and order of the appropriate court pursuant to the applicable provisions of this Act unless the patient agrees to remain voluntarily.

SECTION 6. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) A friend, relative, spouse, guardian, or physician who has reasonable grounds to believe that an individual, who has not been detained in accordance with other provisions of this Act, is mentally ill and presents an immediate danger or an immediate threat of danger to self or others may proceed against that person by filing a complaint or affidavit before the judge of a circuit, county or police court in the county where the allegedly mentally ill individual is located.

(2) The person signing the complaint must state under oath that he believes that the individual to be restrained is mentally ill and presents an immediate danger or an immediate threat of danger to self or others if not restrained. If, from the complaint, it appears to the judge that there is probable cause to believe that the person named is mentally ill and presents an immediate danger or an immediate threat of danger to self or others, he shall issue a warrant of arrest for the person named. After the warrant and arrest have been executed, the named individual shall be taken to a physician for examination, or if facilities are available and an authorized staff physician agrees, the person may be lodged in a hospital rather than a jail pending a hearing. The court issuing the warrant under this statute shall hold a hearing within forty-eight (48) hours (excluding weekends and holidays) to determine whether the individual should be involuntarily committed to a hospital for a period of seven (7) days.

(3) Respondent's presence at the hearing may be waived by the respondent.

(4) The respondent shall be represented at this hearing by an attorney either retained by respondent or provided by the Commonwealth. The respondent shall be afforded an opportunity to testify, to present, and cross-examine witnesses against him. The court may in its discretion receive the testimony of any other persons. The hearing shall be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the mental health of the respondent. The hearing may be held by the court in chambers if feasible. If upon the completion of the hearing the court finds that the respondent is (a) a mentally ill person, (b) because of this illness presents an immediate danger or an immediate threat of danger to self or others, (c) that the least restrictive alternative mode of treatment requires hospitalization, and (d) that treatment which can reasonably benefit the respondent is available in the hospital, then the court shall order the respondent hospitalized in a hospital selected by the department for a period not to exceed seven (7) consecutive days.

(5) If at the end of seven (7) consecutive days a formal application has not been made for a further hospitalization under the provisions of this Act, then the patient shall be discharged and the court issuing the hospitalization order notified of the release date.

(6) When a formal application has been made for a further involuntary hospitalization under the provisions of this Act, the patient shall not be retained in the hospital longer than twenty-one (21) days from the date of application without a hearing and order of the appropriate court pursuant to the applicable provisions of this Act, unless the patient agrees to remain voluntarily.

SECTION 7. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Any friend, relative, spouse or guardian of an individual may file a petition with the circuit court for a determination of the mental condition of the individual located in the county, setting forth facts verified by affidavit that allege that the petitioner believes that the named individual is mentally ill and presents an immediate danger or an immediate threat of danger to self or others if not immediately restrained.

(2) The petition shall request a hearing to determine the mental condition of an individual under the provisions of this Act. The petition shall set forth: (a) the name, residence and location, if known, of the person concerning whom the petition is filed; (b) the name and residence of the parents, if living and if known to the petitioner, or his legal guardian, if any, and if known to the petitioner; (c) the name and residence of the husband or wife, if any, if known to the petitioner; (d) the name and residence of the person having custody of such person, or if no such person is known, the name and residence of a near relative or that such person is unknown; (e) such facts and any other pertinent data that led the petitioner to believe that the named individual is mentally ill and presents an immediate danger or an immediate threat of danger to self or others if not immediately restrained.

SECTION 8. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Proceedings for involuntary hospitalization of an individual for sixty (60) consecutive days may be initiated by filing a petition as described in this Act in the appropriate circuit court or county court if the circuit court is not in session.

(2) Upon receipt of the petition the court shall give notice to the respondent, to his legal guardian, if any, and to his spouse, parent, or nearest known relative or friend concerning the allegations and contents of the petition and proposed hearing.

(3) As soon as practicable, after notice of the commencement of the proceedings is given to the respondent, the court shall appoint two (2) physicians to examine the respondent and certify to the court their findings as to whether the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and who can reasonably benefit from treatment. Each physician shall also certify as to whether in his opinion hospitalization is the least restrictive alternative mode of treatment presently available. The examination shall be held at a hospital or other medical facility or any other suitable place not likely to have a harmful effect on the patient's health.

(4) The court may, after reviewing the allegations contained in the petition, issue a warrant for the arrest of the person named in the petition. Such person if arrested on such warrant shall be conveyed immediately to any hospital, medical facility or institution approved by the secretary and shall be there examined by two (2) physicians. The physicians shall certify to the court their findings as to whether the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and who can reasonably benefit from treatment. Each physician shall also certify as to whether in his opinion hospitalization is the least restrictive alternative mode of treatment presently available.

(5) If after their examination the physicians certify that the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and that he can reasonably benefit from treatment and that hospitalization is the least restrictive alternative mode of treatment presently available, then such person may be retained in the hospital pending a hearing and order of the appropriate court, or may be transported to an appropriate hospital for retention. In no case shall the patient be retained in a hospital longer than twenty-one (21) days from the date of the examination without a hearing and order of the appropriate court.

(6) If the criteria for involuntary hospitalization as set forth in subsections (3) and (4) of this section are not certified, the court may, without taking any further action, terminate the proceedings and dismiss the application. Otherwise, the court shall forthwith fix a date and notice of a hearing and render an order within twenty-one (21) days from the date of the examination of the respondent.

(7) The respondent shall be represented at such hearing by an attorney either retained by the respondent or provided by the Commonwealth. The respondent shall be afforded an opportunity to testify, to present, and cross-examine witnesses against him. The court may in its discretion receive the testimony of any other person. The hearing may be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the mental health of the respondent. The hearing may be held by the court in chambers, at a hospital, or other suitable place.

(8) Respondent's presence at the hearing may be waived by the respondent or respondent may be excused from the hearing upon a finding that respondent's presence would seriously disrupt the proceedings or that the respondent's presence at the hearing would be harmful to respondent.

(9) If upon completion of the hearing the court finds that the respondent is (a) a mentally ill person, (b) because of this illness presents an immediate danger or an immediate threat of danger to self or others, (c) that the least restrictive alternative mode of treatment requires hospitalization, and (d) that treatment which can reasonably benefit the respondent is available in the hospital, then the court shall order the individual hospitalized in a hospital selected by the department for a period not to exceed sixty (60) consecutive days.

(10) The hospitalization under this section shall be for a period of time not to exceed sixty (60) consecutive days from the date of the court order. Release shall be by writ of habeas corpus pursuant to the provisions of this section except that a staff physician may release the patient subject to the provisions of this Act.

(11) When a formal application has been made for a further involuntary hospitalization under the provisions of this Act, the patient shall not be retained in the hospital longer than twenty-one (21) days from the date of application without a hearing and order of the appropriate court pursuant to the applicable provisions of this Act, unless the patient agrees to remain voluntarily.

SECTION 9. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) If an individual has been hospitalized for a period of thirty (30) days under the provisions of this Act, proceedings for involuntary hospitalization of an individual for three hundred sixty (360) consecutive days may be initiated by filing a petition in the appropriate circuit court or county court if the circuit court is not in session.

(2) As soon as practicable, after notice of the commence of the proceedings is given to respondent, the court shall appoint two (2) physicians to examine the respondent and certify to the court their findings as to whether the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and who can reasonably benefit from treatment. Each physician shall also certify as to whether in his opinion hospitalization is the least restrictive alternative mode of treatment presently available. The examination shall be held at a hospital or other medical facility or any other suitable place not likely to have a harmful effect on the patient's health.

(3) If the criteria for involuntary hospitalization as set forth in subsection (2) of this section are not certified, the court may, without taking any further action, terminate the proceedings and dismiss the application. Otherwise, it shall forthwith fix a date and notice of a hearing and render an order within twenty-one (21) days from the date of the filing of the petition.

(4) The respondent shall be represented at such hearing by an attorney either retained by the respondent or provided by the Commonwealth. The respondent shall be afforded an opportunity to testify, to present, and cross-examine witnesses against him. The court may in its discretion receive the testimony of any other persons. The hearing may be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the mental health of the respondent. The court shall impanel a jury unless waived by the respondent. The hearing may be held by the court in chambers, at a hospital, or other suitable place.

(5) Respondent's presence at the hearing may be waived by the respondent or respondent may be excused from the hearing upon the finding that respondent's presence would seriously disrupt the proceedings or that the respondent's presence at the hearing would be harmful to respondent.

(6) If upon completion of the hearing the court finds that the respondent is (a) a mentally ill person, (b) because of this illness presents an immediate danger or an immediate threat of danger to self or others, (c) that the least restrictive alternative mode of treatment requires hospitalization, and (d) that treatment which can reasonably benefit the respondent is available in the hospital, then the court shall order the individual hospitalized in a hospital selected by the department, for a period not to exceed three hundred sixty (360) consecutive days.

(7) The hospitalization under this section shall be for a period of time not to exceed three hundred sixty (360) consecutive days from the date of the court order. Hospitalization for a period of time to exceed three hundred sixty (360) days requires a new hearing and court order under the provisions of this section. Release shall be by writ of habeas corpus pursuant to the provisions of this section except that an authorized staff physician may release the patient subject to the provisions of this Act.

SECTION 10. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) The certificate referred to in this Act shall be in the form prescribed by the department. The certificate shall state that the respondent has been examined by each of the examining physicians making the certificate within three (3) days prior to the date of the certificate. It shall state the facts and circumstances upon which the judgment of the examining physician is based and shall be sworn to before a notary or the clerk or judge of the court.

(2) When a person has been hospitalized under the provisions of this Act requiring a petition and certification of two (2) physicians, said certification may be accepted by the circuit or county court as evidence in lieu of direct testimony from the physicians, whenever the presence of the two (2) physicians at the hearing is waived by the respondent.

(3) Where possible the persons selected by the court to perform examinations as described in this Act and KRS Chapters 203 and 210 shall have made a special study of mental illness. The examiner shall be entitled to a reasonable fee for such examination and certification, to be paid by the county in which the petition is filed, upon a certified copy of an order of allowance made by the court holding the hearing.

SECTION 11. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) The court which orders any person to a hospital, selected by the department, under the provisions of this Act, shall at once notify the department that such order has been made, advising of the sex and condition of the person.

(2) After the department has been so notified, the court shall order the sheriff of the county to transport the patient within forty-eight (48) hours (excluding weekends and holidays) from the county in which the person is located to the hospital designated by the department. The actual traveling expenses of persons transporting the patient to the institution shall be paid by the department. Each female committed to an institution shall be accompanied by a female attendant, unless accompanied by her mother, father, sister, brother, husband, daughter, or son.

(3) In returning any patient to the county from which he is sent, the cost of returning him shall be paid in the same manner, when necessary.

(4) Whenever an individual is involuntarily hospitalized by a court order the patient shall be transported to the hospital designated by the department and accompanied by the following documents: (a) a copy of the petition for involuntary hospitalization, unless hospitalization takes place pursuant to Section 5 of this Act, (b) the certificate of examining physicians, and (c) the order of involuntary hospitalization.

(5) The hospital may refuse to receive any person who has been ordered to be involuntarily hospitalized by a court order if the papers presented with such person at the hospital do not comply with the provisions of this Act or if it does not receive notification of the order of involuntary hospitalization as required by this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

Any person admitted to a hospital pursuant to the provisions of this Act shall be initially examined by an authorized staff physician of the hospital as soon as practicable but not later than thirty-six (36) hours and a report entered into the medical record not later than forty-eight (48) hours after his admission.

SECTION 13. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

An authorized staff physician of a hospital shall discharge an involuntary patient when he concludes that the patient no longer is mentally ill, no longer presents an immediate danger or an immediate threat of danger to self or others, or when he believes that the patient can no longer reasonably benefit from treatment in the hospital.

SECTION 14. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) An authorized staff physician may release an involuntary patient on convalescent status when the physician concludes that the patient would not present an immediate danger or an immediate threat of danger to self or others if provided with continued medical supervision in a less restrictive alternative mode of treatment. Release on convalescent status shall include notification to the hospitalizing court. Release on convalescent leave status does not terminate the involuntary hospitalization order and shall include provisions for a continuing responsibility by the hospital, and will include a plan of treatment by the hospital.

(2) The hospital from which such patient is given convalescent status may at any time readmit the patient without additional court proceedings. If there is reason to believe that it is to the best interest of the patient to be rehospitalized, the secretary or an authorized staff physician of the hospital may issue an order for the immediate rehospitalization of the patient. Such an order, if not voluntarily complied with, shall upon the endorsement by a judge of any court of the county in which the patient is a resident or is present, authorize any health or police officer to take the patient into custody and transport him to the responsible hospital. Notice of rehospitalization under this section shall be given to the originating court as soon as practicable and simultaneously with the order directing the rehospitalization if possible.

(3) Release on convalescent status shall not apply to persons held under hospitalization orders arising out of criminal offense unless consent of the appropriate court is obtained.

SECTION 15. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Legal residents of the state who have become public charges in other states and have been returned to Kentucky because they have been adjudged mentally ill by the state returning them may be immediately admitted to a hospital at the request of the secretary or his designated representative.

(2) Within seventy-two (72) hours (excluding holidays) of the admission date, the staff of the hospital shall determine the need of the person for further hospitalization. If two authorized staff physicians conclude that the patient is mentally ill and presents an immediate danger or an immediate threat of danger to self or others, and can reasonably benefit from treatment in a hospital, and hospitalization is the least restrictive alternative mode of treatment available, they shall file in the appropriate court a certification requesting involuntary hospitalization procedures to be initiated under the provisions of this Act or KRS Chapter 203 or 210, unless the patient has agreed to remain voluntarily.

SECTION 16. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) If an individual ordered to be hospitalized pursuant to this Act is eligible for hospital care or treatment by any agency of the United States, the court, upon receipt of certificate from such agency showing that facilities are available and that the individual is eligible for care or treatment therein, may order him to be placed in the custody of such agency for hospitalization. When any such individual is admitted pursuant to the order of such court to any hospital or institution operated by any agency of the United States within or without the state, he shall be subject to the rules and regulations of such agency. The chief officer of any hospital or institution operated by such agency and in which the individual is so hospitalized shall with respect to such individuals be vested with the same powers as the chief medical officers of hospitals within the state with respect to detention, custody, transfer, conditional release or discharge of patients. Jurisdiction is retained in the appropriate courts of this state at any time to inquire into the mental condition of an individual so hospitalized and to determine the necessity for continuance of the hospitalization, and every order of hospitalization issued pursuant to this section is so conditioned.

(2) An order of court of competent jurisdiction of another state or the District of Columbia authorizing hospitalization of an individual by any agency of the United States shall have the same force and effect as to the individual while in this state as in the jurisdiction in which is situated the court entering the order; the courts or the district issuing the order shall be deemed to have retained jurisdiction of the individual so hospitalized for the purpose of inquiring into his mental condition and determining the necessity for continuance of his hospitalization as is provided in subsection (1) of this section with respect to individuals

ordered hospitalized by the courts of this state. Consent is hereby given to the application of the law of the district in which is located the court issuing the order for hospitalization with respect to the authority of the chief officer of any hospital or institution operated in this state by any agency of the United States to retain custody, transfer, conditionally release, or discharge the individual hospitalized.

SECTION 17. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Upon receipt of a certificate of the United States Public Health Service or such other agency of the United States Government that facilities are available for the care or treatment of any person heretofore hospitalized in any mental hospital or other institution in this state for the care of mentally ill persons and that such person is eligible for such care or treatment, the secretary, upon recommendation by any such hospital or institution in this state, is hereby authorized to cause the transfer of any such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Upon effecting any such transfer, the hospitalizing court shall be notified thereof by the secretary.

(2) Any person transferred as provided in this section shall be deemed to be placed in the custody of the United States Public Health Service or other agency of the United States Government pursuant to the original hospitalization the same as if he had been originally so hospitalized.

(3) No person shall be transferred to any agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of mental illness unless prior to transfer the court issuing the confining order shall enter an order for transfer after the motion and hearing. Any person transferred as provided in this section to any agency of the United States shall be hospitalized by such agency pursuant to the original order of hospitalization.

SECTION 18. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) The chief medical officer of the hospital shall provide reasonable means and arrangements for informing voluntary and involuntary patients of their rights as provided in this Act.

(2) Voluntary patients shall be informed of their rights to release under this Act and arrangements shall be made for assisting voluntary patients in making and presenting requests for release.

(3) Any individual who has been involuntarily hospitalized under the provisions of this Act or KRS Chapter 203 or 210 shall be entitled to a writ of habeas corpus upon proper petition by himself or a friend to any court generally empowered to issue the writ of habeas corpus in the county in which he is detained.

(4) Subject to the general rules and regulations of the hospital any patient voluntarily or involuntarily hospitalized under any section of this Act or KRS Chapter 203 or 210 may exercise all civil rights including but not limited to the right to dispose of property, execute instruments, make purchases, enter into contractual relationships and vote unless he has been adjudicated incompetent and has not been restored to legal capacity. Each patient has the right to communicate by sealed mail. Each patient, notwithstanding any limitations authorized under this section on the right of communication, shall have the right to communicate by sealed mail with his attorney, the court, and the office of the secretary at the expense of the department.

SECTION 19. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

The secretary shall adopt rules and regulations for the proper administration and enforcement of this Act. Such rules and regulations shall include, but shall not be limited to:

(1) rights of patients to be adequately informed as to their individual treatment program;
(2) rights of patients to assist in the planning of their treatment program;
(3) rights of patients under certain conditions to refuse treatment offered to them by the hospital;
(4) rights of patients to maintain, keep and use personal possessions and money;
(5) rights of patients to meet with friends and relatives;
(6) rights of patients to receive payment for work performed on behalf of the hospital;
(7) rights of patients to refuse intrusive treatments, including electroshock therapy or psychosurgery;
(8) rights of patients to seek relief from participating in their treatment plan;
(9) the rights of patients who are minors to seek relief from actions for or against hospitalization and discharge approved by their parents or guardians;
(10) the use of seclusion and other mechanical restraints in hospitals;
(11) the transfer of patients between hospitals or between hospitals and forensic phychiatric facilities;
(12) the release of patients to less restrictive alternative modes of treatment on convalescent status; and
(13) provisions for alternate methods for involuntary hospitalization.

SECTION 20. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Whenever an inmate of any penal and correctional institution is reported by the staff of that institution to the secretary as being so mentally ill that he cannot be properly treated with the facilities at the disposal of the staff, the secretary shall have an examination conducted on such inmate by a physician.

(2) If this examination reveals that the inmate is mentally ill and appropriate treatment cannot be properly carried out in the institution in which he is incarcerated, the secretary may then order his transfer to a hospital or forensic phychiatric facility, where he shall remain until the staff of the facility which received him advises the secretary that his condition has so far improved that he may be returned to the institution from which he came. The secretary shall then authorize his return. If the prisoner's sentence expires during his stay in the facility, and he is still mentally ill and presents an immediate danger or an immediate threat of danger to self or others, and he can reasonably benefit from treatment in a hospital, and hospitalization is the least restrictive alternative mode of treatment available, then the staff of the facility shall notify the court which sentenced the individual to the penal institution and petition said court for involuntary commitment of the patient under provisions of this Act.

(3) During the time of the prisoner's stay in a facility his legal status as a prisoner shall remain unchanged until the termination of his sentence. The facility staff shall have no authority to parole, grant permission to visit relatives or friends outside the facility, or discharge the individual. The time the prisoner spends in the facility shall be counted as a part of the prisoner's sentence.

SECTION 21. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

Persons carrying out duties or rendering professional opinions as provided in this Act shall be free of personal liability for such actions, provided that such activities are performed in good faith within the scope of their official duties and in a manner consistent with accepted professional practices.

SECTION 22. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

Any person who wilfully causes or conspires with or assists another in causing:

(1) the unwarranted hospitalization of any individual under the provisions of this Act, KRS Chapters 203 and 210; or

(2) the denial of any individual of any of the rights accorded to him under the provisions of this Act, KRS Chapters 203 and 210 shall be punished by a fine not exceeding five thousand dollars ($5,000) or imprisoned for a term not to exceed five (5) years or both.

Section 23. KRS 210.005 is amended to read as follows:

As used in this chapter, "mentally retarded" and "mentally defective" have the same meaning. They apply to one or more "mentally retarded persons," as the singular of that term is defined in KRS *Chapter 202B* [202.010].

Section 24. KRS 210.140 is amended to read as follows:

(1) Pursuant to agreement entered into by the heads of the departments concerned, a patient or inmate of a state institution operated by one state department may be transferred to a state institution operated by another state department, except that:

(a) An inmate may be transferred from a penal or correctional institution only as provided in KRS *Chapter 202A* [202.380] and *KRS* 431.240;

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court;

(c) No patient or inmate may be transferred to an institution for the mentally ill or mentally retarded except for a period of observation not to exceed sixty (60) days, unless he has been hospitalized *in accordance with Section 9 of this Act* [for an indeterminate period]. However, this shall not apply to transfers under *Section 20 of this Act or* KRS [202.380 or] 431.240.

(2) When a patient or inmate hospitalized by court order to one institution is transferred to another institution pursuant to this section, the order of hospitalization shall be deemed to apply to the institution to which transferred.

Section 25. KRS 210.285 is amended to read as follows:

In addition to the specific authority granted by other provisions of KRS chapters *202A, 202B* [202], 203 and 210, the department for human resources shall have authority to prescribe the form of applications, records, reports, and medical certificates provided for under KRS chapters *202A, 202B* [202], 203 and 210 and the information required to be contained therein; to require reports from the head of any hospital relating to the admission examination, diagnosis, release or discharge of any patient; to visit hospitals regularly to review the hospitalization procedures of all new patients admitted between visits; to investigate by personal visit complaints made by any persons on behalf of any patients or by any patients themselves; and to adopt such rules and regulations not inconsistent with the provisions of KRS chapters *202A, 202B* [202], 203 and 210 as it may find to be reasonably necessary for proper and efficient hospitalization of the mentally ill.

Section 26. KRS 210.290 is amended to read as follows:

(1) The department for human resources may be appointed and act as executor, administrator, guardian, or committee, as provided in this section. In this capacity the department may transact business in the same manner as any individual and for this purpose may sue and be sued in any of the courts of the state. Bond shall not be required of the department.

(2) Whenever a person who has been adjudged incompetent and committed to the department for placement in a state mental hospital or institution for the mentally defective has no committee, the department, acting through its designated officer, may apply to the county court of the county in which the adjudication was made for its appointment as committee for such incompetent person.

(3) Upon the death of a person for whom the department has been appointed committee, or upon the death of a person who has been committed to the department leaving an estate and having no relatives at the time residing within the state, the department may apply for appointment as administrator and upon appointment shall close the administration of the estate.

(4) The department may invest funds held as fiduciary in bonds or other securities guaranteed by the United States, and may sell or exchange such securities in its discretion.

(5) The department shall receive such fees for its fiduciary services as provided by law. These fees shall be placed in a trust and agency account, from which may be drawn expenses for filing fees, court costs and other expenses incurred in the administration of estates. Claims of the department against the estates shall be considered in the same manner as any other claim.

(6) An officer designated by the secretary may act as legal counsel for any patient in a state mental hospital or institution against whom a suit of any nature has been filed, without being appointed as committee.

(7) Patients hospitalized pursuant to KRS *chapters 202A and 202B* [chapter 202] who are not adjudged mentally incompetent may authorize the department for human resources to handle personal funds received by them at the hospital in the same manner as prescribed in subsections (4) and (5) of this section.

Section 27. KRS 210.991 is amended to read as follows:

Any person who wilfully causes or conspires with or assists another in causing:

(1) the unwarranted hospitalization of any individual under the provisions of KRS chapters [202,] 203 and 210 or

(2) the denial of any individual of any of the rights accorded to him under the provisions of KRS chapters [202,] 203 and 210 shall be punished by a fine not exceeding five thousand dollars ($5,000) or imprisoned for a term not to exceed five (5) years or both.

Section 28. KRS 222.410 is amended to read as follows:

(1) The Department for Human Resources shall study the problems of drug abuse and drug addition within the state, formulate and carry out programs of education designed to curb the excessive use of drugs and reduce the number of drug abusers and drug addicts, establish such facilities and employ such personnel as are necessary and available for the diagnosis and rehabilitation of drug abusers and drug addicts, and accept for examination, diagnosis, guidance and treatment any person coming to it of his own volition for advice and guidance.

(2) The department may contract for space and facilities to be used for outpatient clinics and may contract with hospitals and private doctors for the emergency hospitalization and care of drug abusers and drug addicts. The department may enter into cooperative agreements with municipal and other agencies operating facilities for treating drug abusers or drug addicts, and it may employ such medical, phychiatric, psychological, secretarial and other assistance as may be necessary to carry out the purposes of this section.

(3) The department may accept gifts, bequests, contributions and patient fees, at its discretion, and use such funds to further the purposes of this section.

(4) The department may establish rules and regulations for the admission of patients to its facilities and may set fees for treatment. Except as otherwise provided by law, all provisions of KRS chapters *202A, 202B* [202], 203 and 210 relating to charges and collections for treatment of the mentally ill shall apply to fees and collection of fees for treatment of alcoholics, drug abusers or drug addicts.

Section 29. KRS 222.430 is amended to read as follows:

(1) Involuntary hospitalization of the drug dependent person, drug addict or person under the influence of drugs as defined in KRS 222.011 shall take place by the same procedures as hospitalization of the mentally ill as provided in KRS Chapters *202A* [202, 203] and 210.

(2) All rights guaranteed by KRS Chapters *202A, 202B* [202], 203 and 210 to mentally ill persons shall be guaranteed to the drug dependent person, drug addict and the person under the influence of drugs.

Section 30. KRS 431.240 is amended to read as follows:

(1) Unless the execution is stayed by due process of law or under authority of subsection (2) of this section, the superintendent of the penitentiary or his deputy shall proceed, on the day and at the place named in the judgment of conviction, to cause the condemned person to be electrocuted. The execution shall take place before sunrise on the day designated in the judgment.

(2) If the condemned person is insane or pregnant with child on the day designated for the execution, the execution shall be suspended until the condemned is restored to sanity or is delivered of child. The execution shall then take place under the warrant of the Governor and at the time designated by him, unless stayed by due process of law. If execution is suspended on the ground of insanity, the Commissioner of Corrections may, after an examination as provided in KRS *Chapter 202A* [202.380], transfer the condemned person to one of the state institutions for the treatment of the mentally afflicted, until such time as he is restored to sanity.

(3) If the condemned person escapes from custody and is recaptured after the expiration of the date fixed for the execution, the Governor, upon receiving written notice of the recapture from the superintendent of the penitentiary, shall send his warrant of execution to the superintendent by special messenger and shall name therein the day of execution. The superintendent shall then proceed to the execution thereof according to the provisions of KRS 431.215 to 431.270.

(4) Whenever a judgment of death has not been executed on the day appointed therefor by the court, from any cause whatever, the Governor, by a warrant under his hand and the seal of the Commonwealth, shall fix the day of the execution, which warrant shall be obeyed by the superintendent of the penitentiary.

Section 31. KRS 504.030 is amended to read as follows:

(1) When a defendant is acquitted of an offense for lack of criminal responsibility by reason of mental disease or defect, as defined in KRS 504.020, the court may on motion of the prosecuting attorney or on its own motion proceed immediately to have the defendant committed for examination and possible detention pursuant to the provisions of KRS Chapter *202A or 202B* [202].

(2) To facilitate the procedure established in subsection (1), the court, if it has reasonable grounds to believe that the defendant will cause injury to himself or others if not immediately restrained, may order him to be hospitalized in a state hospital for a period not to exceed seven consecutive days. The order of commitment under this subsection shall be pursuant to and under the authority of KRS *Chapter 202A or 202B* [202.027 and shall be subject to all of the provisions of that statute].

Section 32. KRS 504.040 is amended to read as follows:

(1) No person who, as a result of mental disease or defect, lacks capacity to appreciate the nature and consequences of the proceedings against him or to participate rationally in his own defense shall be tried, convicted or sentenced for the commission of an offense, so long as such incapacity endures.

(2) When a defendant is found to have a mental disease or defect, as described in subsection (1), the court may on motion of the prosecuting attorney or on its own motion proceed immediately to have the defendant committed for examination and possible detention pursuant to the provisions of KRS Chapter *202A or 202B* [202].

Section 33. KRS Chapter 202 is repealed.

**HB 690,** AN ACT relating to dental hygienists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 313.290 is amended to read as follows:

Any person of good moral character over eighteen (18) years of age who is [a citizen of the United States of America,] a graduate of an accredited high school *or the equivalent*, and has successfully completed a training program in a school of dental hygiene that is accredited by the Council on Dental Education of the American Dental Association and approved by the board, shall be eligible to take the examination for the practice of dental hygiene.

Section 2. KRS 313.300 is amended to read as follows:

(1) Any eligible person desiring to practice dental hygiene shall make written application to the board to take the examination. Such application shall be accompanied by a written recommendation of two reputable dentists *or two dental faculty members* [of this state,] and by an examination fee of twenty-five dollars ($25.00), which sum is authorized to be charged for each examination by the board.

(2) As soon as the board has determined that an applicant has successfully passed the examination, a license to practice dental hygiene in this state shall be issued by the board to such applicant. The license shall be for one (1) calendar year or for the remaining portion thereof if issued as of a date after January 1. Each license shall be renewed from year to year, except for cause as herein provided.

(3) The board shall charge ten dollars ($10.00) for each license certificate or duplicate license certificate issued, which sum shall be paid in advance or at the time the license is issued.

Section 3. KRS 313.303 is amended to read as follows:

(1) The board, upon the affirmative vote of all members present at any meeting, may issue a license without examination to an applicant who furnishes satisfactory proof that the applicant is a graduate of an accredited school of dental hygiene in any state or territory of the United States or the District of Columbia and who holds a license from a similar dental board having requirements and standards equal to or greater than those of this state.

(2) An application for the license provided by this section shall be made on forms prescribed by the board and accompanied by:

(a) A fee for review of qualifications of the applicant of twenty-five dollars ($25.00); and

(b) A recommendation from the dental board of the state or territory of the United States or the District of Columbia where the applicant has practiced.

(3) No license shall be issued under this section unless the state or territory of the United States or the District of Columbia where the applicant has practiced grants a similar privilege to applicants holding a dental hygienist's license from this state.

[(4) The board shall charge ten dollars ($10.00) for each annual certificate of renewal of any license issued in accordance with the provisions of this section.]

SECTION 4. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

(1) By December 31 of each year, every dental hygienist licensed to practice in this state shall return to the secretary-treasurer of the board, evidence satisfactory to the board that such dental hygienist has accumulated a sufficient number of points for continuing dental education in accordance with a schedule of points which shall be adopted by the board. Provided, however, that the board, in its discretion, may make exceptions to the point requirement for continuing dental hygienist education for such hardship or other extenuating circumstances as the board deems appropriate.

(2) By March 1 of each year, every dental hygienist licensed to practice in this state shall return to the secretary-treasurer of the board his renewal notice properly signed and a fee of ten dollars ($10) or an amount as hereinafter prescribed by the board. The dental hygienist shall thereupon receive a license renewal certificate provided that he has also complied with the requirements of subsection (1) of this section. The board may fix the annual renewal license fee at such amount, not less than ten dollars ($10) nor more than twenty dollars ($20), as is necessary to maintain the level of the revolving fund in accordance with the provisions of KRS 313.080(2). The license fee for each year shall be set annually by the board. Notice of such change in the amount of license renewal fee shall be given to each dental hygienist registered in the state by the secretary-treasurer not later than December 1. Any license granted by the board shall be suspended if the holder fails to secure the renewal certificate by March 1 of each year, but any license thus suspended may be restored by the board upon the payment to the secretary-treasurer of a reinstatement fee of twenty-five dollars ($25) within one year after the suspension.

Section 5. KRS 313.310 is amended to read as follows:

No person shall practice dental hygiene nor hold himself out as a dental hygienist without a license issued by the board, and unless he is an employe of a licensed and practicing dentist in this state and is under the continuous supervision and inspection of such dentist, provided that the board, in its discretion, may grant permission for the employment of a dental hygienist by any organization. [A practicing dentist may not have in his employ more than two (2) dental hygienists.] The license for each dental hygienist shall be continuously displayed in a conspicuous place in the office of the licensee.

Section 6. KRS 313.330 is amended to read as follows:

(1) The board may, upon complaint or upon its own motion, after a hearing, and after ten (10) days' notice, in writing, to the licensee of the time and place of hearing, revoke or suspend or refuse to renew the license of any dental hygienist by entering an order to that effect, together with its findings in respect thereto, if it shall be determined that such licensee:

(a) Has violated *or failed to comply with* any of the provisions of KRS 313.260 to 313.350 or any regulation made thereunder; or

(b) Has made a material false statement in his application for examination; or

(c) No longer possesses good moral character; or

(d) Directly or indirectly advertises or solicits for dental hygiene business; or

(e) Is grossly inefficient in his profession.

(2) In any proceeding to revoke, suspend or refuse to renew the license of any licensee a certified copy of any order entered by the board shall immediately be delivered or sent to the licensee by certified mail, return receipt requested or by registered mail at his last known address.

**HB 733,** AN ACT relating to adoption.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 199.470 is amended to read as follows:

(1) Any person who is eighteen (18) years of age and who is a resident of this state or who has resided in this state for *sixty (60) days* [twelve (12) months] next before filing may file a petition for leave to adopt a child in the circuit court of the county in which the petitioner resides.

(2) If the petitioner is married, the husband or wife must join in a petition for leave to adopt a child unless the petitioner is married to a natural parent of the child to be adopted, except that if the court finds the requirement of a joint petition would serve to deny the child a suitable home, such requirement may be waived.

(3) No petition for the adoption of any child under the age of sixteen (16) shall be filed until after the child has lived continuously in the home of the petitioner for at least three (3) months immediately prior to the filing of the petition unless the child has been placed for adoption by the department or an agency licensed to place children for adoption by the department. In the case of a child placed for adoption by the department or an agency licensed by the department, the petition may be filed at the time of placement.

(4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a licensed child-placing institution or agency or by the department, or the child has been placed with written approval of the secretary; but no such approval shall be necessary in the case of:

(a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt or uncle;

(b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the secretary.

(5) Subsection (4) of this section shall not apply to those children placed for adoption prior to June 14, 1962.

Section 2. KRS 199.475 is amended to read as follows:

Any person who has been a resident of any United States army post, military reservation or fort within the state of Kentucky for *sixty (60) days* [one (1) year], or a resident of this state who has resided on such United States army post, military reservation or fort together aggregating *sixty (60) days* [one (1) year] before filing the petition, may bring an action for adoption of a child in any county adjacent to said army post or military reservation.

The Committee Amendment to **HB 733** is as follows:

Amend printed copy of House Bill 733 on page 1 by deleting Section 1 in its entirety

and on page 2, line 21, by renumbering "Section 2" as "Section 1"

**HB 758,** AN ACT relating to chiropractors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 312.015 is amended to read as follows:

As used in *this chapter* [KRS 312.015 to 312.185], unless the context otherwise requires:

(1) "Board" means the Kentucky state board of chiropractic examiners;

(2) *Subject to the limitations of subsection (4) of this section "chiropractic"* ["Chiropractic"] means the science of *diagnosing* [locating] and adjusting the subluxations of the articulations of the human spine and its adjacent tissues;

(3) *Subject to the limitations of subsection (4) of this section "chiropractor" means one qualified by experience and training and licensed by the board to diagnose his patients and to treat those of his patients diagnosed as having diseases or disorders relating to subluxations of the articulations of the human spine and its adjacent tissues by indicated adjustment of those subluxations and by applying methods of treatment designed to augment those adjustments.* The terms "chiropractic," "doctor of chiropractic" and "chiropractor" shall be synonymous, and shall be construed to mean a practitioner of chiropractic as defined in [subsection (2) of] this section.

*(4) The practice of chiropractic does not include the practice of medicine or osteopathy as defined in KRS 311.550, the practice of podiatry as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice as a nurse as defined in KRS 314.011, or the practice of pharmacy by persons licensed and registered under KRS 315.050.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 312 IS CREATED TO READ AS FOLLOWS:

(1) No chiropractor shall:

(a) Treat or attempt to treat contagious or communicable diseases;

(b) Treat or attempt to treat cancer;

(c) Treat by use of x-ray or radiological methods;

(d) Perform surgery;

(e) Treat or attempt to treat by use of acupuncture; or

(f) Administer prescription drugs or controlled substances.

(2) No chiropractor shall otherwise treat a patient for any disorder or by any method except as provided in Section 1(3) of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 312 IS CREATED TO READ AS FOLLOWS:

No person shall engage or attempt to engage in the practice of chiropractic or hold himself out to be a doctor of chiropractic in Kentucky unless licensed in accordance with the provisions of this Chapter.

SECTION 4. A NEW SECTION OF KRS CHAPTER 312 IS CREATED TO READ AS FOLLOWS:

(1) The board shall administer the provisions of this Chapter and the administrative regulations of the board relating to the practice of chiropractic.

(2) The board shall pass upon the qualifications of applicants for a license, certification or registration to practice chiropractic. It shall examine, license, certify, register and renew the license, certification or registration of duly qualified applicants.

(3) The board may deny, revoke, refuse to renew or suspend any license, certification or registration issued by it.

(4) The board shall adopt a seal which shall be affixed to all licenses, certifications and registrations issued by the board and to such other documents as the board deems necessary.

(5) The board shall regulate the practice of chiropractic by persons licensed or certified by it and shall enforce the provisions of this Chapter and the rules and regulations of the board. The board may investigate violations and cause the prosecution of persons violating the provisions of this Chapter or the administrative regulations of the board.

(6) The board may employ such personnel and incur such expenses as may be necessary for the performance of its duties and the enforcement of this Chapter.

(7) The board may prescribe and collect reasonable fees for the issuance and renewal of licenses, certifications and registrations and the administration of examinations as provided in Sections 10, 11 and 19 of this Act.

(8) The board may inspect at all reasonable times any chiropractic office or place where chiropractic services are performed.

(9) The board may adopt and from time to time amend administrative regualtions, consistent with the provisions of this Chapter and in accordance with the provisions of KRS Chapter 13, governing the practice of chiropractic and the diagnosis and treatment of patients, the enforcement of this Chapter and the proper performance of its duties, including but not limited to:

(a) A code of ethical conduct governing the practice of chiropractic;

(b) Requirements, standards and examinations to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses and certifications;

(c) Matters pertaining to the content and conduct of examinations;

(d) Matters pertaining to the operation and registration of chiropractic clinics;

(e) Matters pertaining to the practice and certification of chiropractic specialties by licensed doctors of chiropractic;

(f) The use of paraprofessional assistants by doctors of chiropractic;

(g) The type and character of post graduate study to be done by any licensee in order to comply with the provisions of KRS 312.175.

SECTION 5. A NEW SECTION OF KRS CHAPTER 312 IS CREATED TO READ AS FOLLOWS:

(1) No licensed doctor of chiropractic shall advertise or hold himself out to the public as being especially qualified in any branch of the practice of chiropractic except as certified by the board.

(2) The board shall identify by administrative regulation those specialties of the chiropractic for which certification may be granted and shall establish by administrative regulation the procedures for obtaining and maintaining such certification and the fees therefor.

Section 6. KRS 312.025 is amended to read as follows:

The Kentucky state board of chiropractic examiners shall consist of five (5) members, appointed by the governor, who shall be doctors of chiropractic of integrity and ability who at the time of their appointment *have been actual residents of the state of Kentucky for at least two (2) years next preceding their appointment and have been engaged in the actual practice of chiropractic for at least five (5) years next preceding their appointment* [are in active practice of chiropractic and who have been actual residents of Kentucky for at least three (3) years next preceding their appointment. No person shall be appointed who is not a graduate of a recognized college teaching anatomy, physiology, bacteriology, pathology, principles and practice, chemistry, symptomatology, neurology, hygiene and sanitation, philosophy and chiropractic analysis].

Section 7. KRS 312.055 is amended to read as follows:

*(1)* The board shall elect from its members a president, vice-president and *an executive* [a] secretary [-treasurer]. *The executive secretary shall receive an annual salary to be fixed by the board.*

*(2) Each member of the board shall receive his necessary traveling expenses and members other than the executive secretary shall receive a per diem of thirty-five dollars ($35.00) for each day they actually spend in the discharge of their official duties.*

Section 8. KRS 312.065 is amended to read as follows:

The board shall hold [regular] meetings *at least annually* to examine applicants and for the transaction of business [commencing on the first Tuesday of June and December of each year]. The state property and buildings commission shall, at the request of the board, provide an office at the capitol where meetings may be held. *The president of the board or a majority of its members may for necessary or appropriate cause call other meetings by transmitting prior written notice of the time and place set for the meeting to all board members. Twenty (20) days notice shall be presumed to be reasonable* [Special meetings may be called by the president, or by the vice-president in the absence of the president, and by the secretary-treasurer upon thirty (30) days notice, and may be held anywhere in the state].

Section 9. KRS 312.085 is amended to read as follows:

Any persons desiring to practice chiropractic in this state, [before it shall be lawful for him or her to do so,] shall make application to the board, through its *executive* secretary [-treasurer], in such form and in such manner as may be required by the board, at least twenty (20) days prior to any meeting held for examinations by the board [,to receive a license to practice from the board]. Each applicant shall *have satisfactorily completed not less than sixty (60) semester credit hours of study from a college or university accredited by the southern association of colleges and universities or an accrediting agency recognized by the southern association of colleges and universities or any successor to the powers of either and is a graduate of a chiropractic college accredited by the association of chiropractic colleges or the council on chiropractic education or their successors, and which maintains a standard and reputability approved by the board* [be a citizen of the United States and shall be a graduate of a recognized high school and a chartered chiropractic college which requires for graduation and completion of a four (4) year's course of not less than nine (9) months each or not less than four thousand (4,000) hours' active attendance in the same]. Applications shall be made and signed in applicant's own handwriting, and shall be sworn to and before an officer authorized to administer oaths, and shall recite the history of the applicant as to his educational advantages, his experience in matters pertaining to knowledge of the care of the sick, his length of study of chiropractic, what collateral branches he has studied, the length of time he has been engaged in clinical practice, accompanying same with a diploma, or diplomas awarded to applicant by a college or colleges in which such studies were pursued. Certificates of attendance from the college or colleges from which he is graduate, stating dates of matriculation, graduation, and number of months and hours in attendance shall accompany the application, with satisfactory evidence of good character and reputation.

Section 10. KRS 312.095 is amended read as follows:

There shall be paid to the *executive* secretary [-treasurer] of the board by each applicant *at the time of his application* for a license, a fee not to exceed *one hundred dollars ($100), which shall include the examination fee* [fifty dollars ($50.00), which shall accompany the application, and which shall be returned to the applicant if the license provided for in KRS 312.085 is not issued to the applicant].

Section 11. KRS 312.105 is amended to read as follows:

Any person of good moral character who *holds a national board of chiropractic examiners' certificate or who holds a license in good standing issued* [has been licensed] by a chiropractic board of any other state or territory *which has licensing and educational standards equal to or greater than this state* may be licensed without examination upon payment of *the regular application fee and successful completion of such examination for clinical competency as may be prescribed by the Board* [fifty dollars ($50.00)] if he practices chiropractic and if such state or territory extends similar reciprocity to licensees of this state. [Every applicant under this section shall furnish satisfactory evidence that he is and has been for a reasonable length of time in good standing in the association of the state from which he comes.]

Section 12. KRS 312.115 is amended to read as follows:

*(1)* Examination for a license to practice chiropractic shall be made by the board according to the method deemed by it to be the most practicable and expeditious to test the applicants' qualifications. Examination papers shall be designated by number, and not by name of applicant, so that the identity of the applicant will not be disclosed to members of the board until after the examination papers are graded.

*(2) The examination shall consist of a written test including questions of essay or objective type designed to measure the applicants' knowledge of the subjects of anatomy, physiology, pathology, neurology, histology, hygiene, bacteriology, chemistry, chiropractic orthopedics, diagnosis, the use and effects of x-ray and chiropractic principles and practices as taught in chiropractic schools and colleges. A portion of said examination shall consist of a practical demonstration of clinical competency to be evaluated by the board by such methods as it may designate prior to the examination.*

Section 13. KRS 312.135 is amended to read as follows:

Every person licensed to practice chiropractic shall file his license with the county clerk of the county in which he resides, before beginning to practice. [The clerk shall keep a record of such licenses in a book in his office. All licenses to practice chiropractic in this state shall expire on the last day of February following the issuing thereof, except that any holder of any such license may have the same renewed from year to year by the payment of an annual fee of not more than ten dollars ($10.00) to the board.]

Section 14. KRS 312.145 is amended to read as follows:

(1) All licenses issued by the board shall be in such form as the board may prescribe. Before any license is issued by the board, it shall be numbered and properly recorded by the *executive* secretary [-treasurer]. Such record shall be open to public inspection, and in all actions or proceedings in any court, a transcript, or any part thereof, certified [to] by the *executive* secretary [-treasurer] under the seal of the board to be a true copy, shall be entitled to admission in evidence.

(2) The board may at any time inquire into the identity of any person claiming to hold a license to practice chiropractic in the state, and after due service of a notice in writing, require him to prove to the satisfaction of the board that he is the person authorized to practice under the license by virtue of which he claims the privilege to practice in this state. When the board finds that a person claiming to be the holder of a license to practice in this state is not in fact the person to whom the license was issued, it shall reduce its findings to writing and file them in its office, and such findings shall be prima facie evidence that said claimant does not hold a license to practice in this state.

Section 15. KRS 312.150 is amended to read as follows:

(1) Charges may be preferred by the board against the holder of a license to practice chiropractic in this state on any of the following grounds:

(a) That fraud or deceit was used in securing such license;

(b) That the licensee no longer possesses a good moral character;

(c) That the licensee has been convicted of a violation of any law involving moral turpitude;

(d) That the licensee solicits patients through an agent;

(e) That the licensee is addicted to the use of narcotic drugs *or is a chronic alcoholic*;

(f) That the licensee is in any way guilty of any deception, misrepresentation, [or] fraud *unethical conduct* in the practice of chiropractic; [.]

*(g) That the licensee has violated any of the provisions of this Chapter, or any of the rules and regulations of the board.*

(2) Upon receipt and due consideration of such charges, the board upon an affirmative vote of *a majority* [two (2)] of its members *shall determine whether the nature and quality of the charges are such that further investigation or initiation of formal or informal disciplinary proceedings against the charged licensee is indicated. If the board determines that disciplinary proceedings are appropriate the charges shall be set down for hearing at a future meeting of the board, and the charged licensee shall be notified of this action in writing and shall be furnished a copy of said charges at least twenty (20) days before the date set for the hearing* [may suspend the license of the person against whom such charges have been preferred. Immediately, but not more than ten (10) days after such suspension, the holder of such license so suspended shall be notified thereof in writing and shall be furnished a copy of said charges and notified in writing of the time and place for the hearing of said charges by the board, which hearing shall be within twenty (20) days from the date of the suspension. Further time may be granted by the board for the hearing upon application of the person suspended as shown from the files of the board, which shall be construed as sufficient notice to such person of the suspension of his license, and of the time and place of the hearing by said board of the charges so preferred. The board may hold special meetings for the hearing of such charges].

*(3) No license shall be revoked or suspended without a hearing. The board may at any time proceed against a licensee on its own initiative either on the basis of information contained in its own records or on the basis of information obtained through its informal investigation. When a formal complaint verified by affidavit is filed with the board by a responsible citizen or organization and containing allegations that if true would warrant suspension or revocation of a license, the board shall proceed against the licensee within three (3) months.*

*(4) A written notice stating grounds for possible suspension or revocation of the license, setting forth with reasonable particularity the facts constituting the alleged offense and the time and place of the hearing before the board on the charges, shall be served on the charged licensee not less than twenty (20) days prior to the date of the hearing either personally or by mailing a copy thereof by certified mail, return receipt requested to the address of the licensee last known to the board.*

Section 16. KRS 312.155 is amended to read as follows:

(1) Subpoenas for witnesses, whose evidence is deemed material to any investigation or hearing authorized by *this Chapter* [KRS 312.145 to 312.160] may be issued by the board or *any officer of the board* [its president] and under the seal of the board, commanding such witnesses to appear before the board, at a time and place to be therein named, and to bring such books, records and documents as may be specified, or to submit such books, records and documents to inspection; and such subpoenas may be served by any sheriff or deputy.

(2) *When* [Where] any witness who has been served with a subpoena (a) fails or refuses to appear at the time and place named, or (b) fails or refuses to answer any lawful question propounded or *(c) fails to* produce the books, records or documents required, or *(d) is* [(c) who shall be] guilty of disorderly or contumacious conduct at the hearing, the *board may invoke the aid of the Franklin Circuit Court and any order or subpoena of such requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in the state* [facts shall be known to a circuit judge of the county, who shall forthwith issue a summons for such witness, and shall cause him to be brought before said judge. Upon appearance, if the witness shall fail to purge himself of such failure, refusal or conduct, the judge shall proceed further as in cases of contempt of court; and said witness shall pay the costs of such proceedings].

(3) Witnesses shall be entitled to the same fees and mileage as they may be entitled to by law for attending as witnesses in the circuit court [, but no witness shall be required to attend a hearing more than one hundred (100) miles from the county seat of the county wherein he resides, without his consent].

(4) Witnesses who testify under subpoena shall be entitled to the same protection and immunities as are witnesses in judicial proceedings.

Section 17. KRS 312.160 is amended to read as follows:

(1) At said hearing the *respondent licensee* [person suspended] may *appear in person and by counsel and may* cross-examine witnesses against him, and produce *evidence and* witnesses in his *own* behalf and *examine such evidence and documents as may be produced against him. The respondent shall be entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses and evidence on his behalf* [appear personally or by counsel]. The board shall keep a record of said hearing, the testimony so taken and its findings on the charges. If the board by a majority affirmative vote shall sustain the charges, it may revoke *or suspend* the license of the *respondent licensee* [person suspended], in which event the board shall thereupon give written notice [in the same manner as provided for the giving of notice of suspension,] to the holder of the license which has been revoked *or suspended.*

(2) The person whose license has been revoked *or suspended* shall have the right within *thirty (30)* [twenty (20)] days *or receipt of notice of the board's action* to appeal to the Franklin County Circuit Court. In

the event the person whose license has been revoked *or suspended* shall fail to so appeal, the action of the board [in revoking his license] shall be final.

(3) The action of the board shall be recorded in the same manner as licenses are recorded, and the name of the person whose license is revoked *or suspended* shall be stricken *either indefinitely or for the period of the suspension* from the list of license holders [,] and he shall be disqualified from practicing chiropractic in this state *until such time as the revocation or suspension is terminated.*

Section 18. KRS 312.165 is amended to read as follows:

The board may, at any time after the refusal or revocation of a license, for good and sufficient reason appearing to it, [by a unanimous vote,] issue a license to the person affected, conferring upon him all the rights and privileges of and pertaining to the practice of chiropractic, as defined and regulated by *this Chapter* [KRS 312.015 to 312.185].

Section 19. KRS 312.175 is amended to read as follows:

*(1)* All persons who are now or may hereafter be licensed to practice chiropractic in this state shall, on or before the first day of March, annually hereafter renew his or her license and pay a renewal fee of not more than *thirty dollars ($30.00)* [ten dollars ($10.00)] each year to the board; Provided That, in addition to the payment of such renewal fee, such licensee so applying for a license renewal shall furnish to the board satisfactory evidence that he or she has attended an educational program in the year preceding each such application for renewal. Satisfactory evidence of attendance of post graduate study at an institution approved by the board shall be considered equivalent. Provided, however, That licenses may be renewed by the board, at its discretion, and the applicant *may be* excused from paying the renewal fee or attending the annual educational program or both in instances where *the* [:

(1) The] applicant submits an affidavit to the board evidencing that he or she, for good cause assigned, suffered a hardship which prevented the applicant from renewing the license or attending the educational program at the proper time.

(2) *The executive secretary of the board shall send a written notice to every person holding a valid license to practice chiropractic within this state at least thirty (30) days prior to the first day of March in each year, directed to the last known address of the licensee, and shall enclose with the notice proper blank forms for application for annual license renewal. The executive secretary shall, within thirty (30) days, notify every person failing to renew his license after it is due that he is delinquent. Failure of any such licensee to renew his license on the next annual renewal date shall constitute sufficient grounds for the board to revoke his license. Any licensee whose license has been revoked for not more than four (4) years for failure to renew his license may have his license restored upon the payment of a restoration fee not to exceed fifty dollars ($50.00) for each delinquent year or any part thereof in addition to the renewal fee of not more than thirty dollars ($30.00) and upon presentation of satisfactory evidence of post graduate study of a standard approved by the state board or upon a showing that he is an exception as provided for in subsection (1) of this Section. Any licensee whose license has been revoked for more than four (4) years for failure to renew his license may have his license restored after satisfactorily passing the examination as provided in KRS 312.115 and upon payment of the regular application fee.* [The applicant is not in active practice in the state.]

Section 20. KRS 312.991 is amended to read as follows:

(1) Any person who shall practice or attempt to practice chiropractic in violation of the provisions of *this Chapter* [KRS 312.015 to 312.185], or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, whether recorded or not; or any person who shall use the title to induce the public to believe that he is engaged in the practice of chiropractic, without first complying with the provisions of *this Chapter* [KRS 312.015 to 312.185], shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than six (6) months or both. Each adjustment or treatment shall constitute a separate offense.

(2) Any advertisement or sign of whatsoever nature to induce the public to believe that one is a chiropractor or practices chiropractic shall be prima facie evidence of a violation of *this Chapter* [KRS 312.015 to 312.185], provided the person displaying such sign or causing such advertisement has not been licensed to practice chiropractic as provided in *this Chapter* [KRS 312.015 to 312.185].

*(3) Whenever in the judgment of the board any person has engaged or is about to engage in the acts or practices that constitute, or will constitute, a violation of any of the provisions of this Chapter or the rules and regulations adopted by the board, the board may make application to the Franklin Circuit Court for an order enjoining such acts or practices. Upon a showing by board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. Any order of the Franklin Circuit Court shall be enforceable and shall be valid anywhere in this state and the order of the court shall be reviewable as provided in the Rules of Civil Procedure in the case of other injunctions and restraining orders.*

Section 21. KRS 312.075, 312.125, 312.170, 312.180 and 312.185 are hereby repealed.

The Committee Amendment to **HB 758** is as follows:

Amend printed copy of House Bill 758 on page 5, line 11, by deleting subsection (f) in its entirety

and on page 5, line 13, by deleting "(g)" and inserting in lieu thereof "(f)"

The Committee on Labor and Industry reported **HB 107** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Labor and Industry reported **HB 108, HB 119** with Committee Amendment attached thereto, **HB 120, HB 123** with Committee Amendment attached thereto, **HB 187** with Committee Amendment attached thereto, **HB 247** with Committee Amendment attached thereto, **HB 429, HB 286, HB 542, HB 652,** and **HR 67** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 108,** AN ACT relating to Workmen's Compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.340 is amended to read as follows:

(1) Every employer under this chapter shall either insure and keep insured his liability for compensation hereunder in some corporation, association or organization authorized to transact the business of workmen's compensation insurance in this state or shall furnish to the board satisfactory proof of his financial ability to pay directly the compensation in the amount and manner and when due as provided for in this chapter. In the latter case the board shall require the deposit of an acceptable security, indemnity or bond to secure to such an extent as the board directs the payment of compensation liabilities as they are incurred.

(2) Every employer accepting this chapter shall at the time of such acceptance file with the board in substantially the form prescribed by it, [and semiannually thereafter, or as often as may be necessary,] evidence of his compliance with the provisions of this section and all others relating thereto. Until these provisions are complied with the employer shall, from the date of his acceptance of the chapter, be liable to an employe either for compensation under this chapter or at law in the same manner as if the employer had refused to accept this chapter. Claim of compensation in such cases shall be considered a waiver of the right to proceed at law and the institution of an action at law shall be considered a waiver of all claim to compensation. Upon determination that any employer under this chapter has failed to comply with these provisions the board shall promptly notify interested government agencies of said failure and with particular reference to employers engaged in coal mining the board shall promptly report any such failures to the department of mines and minerals so that appropriate action may be undertaken pursuant to KRS 351.175.

*(3) Such evidence of compliance, if accepted by the board, shall continue in effect indefinitely until such time as the employer's insurer notifies the board in writing that the employer has cancelled, or the insurer desires to cancel such policy and gives notice to the employer stating the reasons and date for the cancellation, or until such time as the board determines that the insured has not fulfilled the requirements of the terms and provisions of the Workmen's Compensation Act. Cancellation of insurance shall automatically revoke any and all elections by the employer to operate under the provisions of this chapter.*

**HB 119,** AN ACT relating to the payment of wages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 337.055 is amended to read as follows:

*(1)* Any employe who [leaves or] is discharged from his employment shall be paid in full all wages or salary earned by him *upon the date of his leaving or thereafter upon demand* [; not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen (14) days following such date of dismissal or voluntary leaving whichever last occurs].

*(2) Any employe who voluntarily leaves his employment shall be paid in full all wages or salary earned by him upon the date of his leaving or thereafter within three days after demand.*

*(3)* Any employe who is absent at the time fixed for payment by an employer, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time [or] upon [fourteen (14) days'] demand.

*(4)* No employer shall, by any means, secure exemption from this section.

Section 2. KRS 337.993 is amended to read as follows:

Any employer who violates KRS 337.055 shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each offense and shall make full payment to the employe by reason of said violation. Each *day an employer fails* [failure] to pay an employe the wages as required by KRS 337.055 shall constitute a separate offense.

The Committee Amendment to **HB 119** is as follows:

Amend printed copy of House Bill 119 on page 1, line 5, by inserting after the word "him" the following:

"*to date and for which he has not been compensated, within three (3) days of*"

and on page 1, line 5, by deleting the word "*upon*"

and on page 1, line 12, after the word "*him*" insert the following:

"*to date and for which he has not been compensated, within three (3) days of*"

and on page 1, line 12, by deleting the word "*upon*"

**HB 120,** AN ACT relating to mine safety standards and making an appropriation therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 352 is created to read as follows:

For purposes of this Act, "mine" shall mean any open pit or any underground workings from which any mineral other than coal or clay is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct shall be considered a separate mine.

Section 2. A new section of KRS Chapter 352 is created to read as follows:

(1) The Commissioner of the Department of Mines and Minerals shall promulgate rules and regulations relating to the safety standards for mines and their operations and shall enforce the same.

(2) No person shall violate any rules or regulations issued pursuant to this Act.

(3) The appeal procedures set forth in KRS 352.340 and 352.440 shall apply to proceedings under this Act.

Section 3. KRS Chapter 352.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 352.020 to 352.040, subsection (1) of KRS 352.050, KRS 352.060 to 352.090, KRS 352.110 to 352.140 or subsection (1) of KRS 352.190 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(2) Any person who violates any of the provisions of subsection (2) or (3) of KRS 352.050, subsection (2) of KRS 352.190 or KRS 352.220 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(3) Any person who violates any of the provisions of KRS 352.100 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(4) Any person who violates any of the provisions of KRS 352.150 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(5) Any person who shall violate any of the provisions of KRS 352.170 or 352.180 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(6) Any person who violates any of the provisions of KRS 352.201 shall be subject to a fine of not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(7) Any person who violates any of the provisions of KRS 352.210 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000). Any person who violates any regulations validly prescribed by the department pursuant to KRS 352.220, subsection (3)(b) shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(8) Any operator, manager, superintendent, mine foreman, fire boss or equipment operator who violates any of the provisions of KRS 352.241 shall be subject to a fine of not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(9) Any person who violates any of the provisions of KRS 352.241 shall be subject to a fine of not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(10) Any person who violates any of the provisions of KRS 352.251 shall be subject to a fine of not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(11) Any person who violates any of the provisions of KRS 352.260 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(12) Any person who violates any of the provisions of KRS 352.270 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(13) Any person who violates any of the provisions of KRS 352.320 to 352.380 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(14) Any person who violates any of the provisions of KRS 352.280 to 352.310 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(15) Any person who violates any of the provisions of KRS 352.371 shall be subject to a fine of not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(16) Any operator, manager, superintendent, mine foreman or employe who violates any of the provisions contained in any mine rules after they have been approved as provided by KRS 352.400 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(17) Any operator, manager, superintendent or mine foremen who violates any of the provisions of KRS 352.410 or 352.420 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(18) Any mine inspector, operator, manager or superintendent who violates any of the provisions of KRS 352.430 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(19) Any operator, manager, superintendent or engineer who violates any of the provisions of KRS 352.450 to 352.480 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(20) Any owner, tenant, company, corporation, manager, engineer, mine foreman or employe who violates any of the provisions of KRS 352.490 or 352.500 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(21) Any person who violates any of the provisions of KRS 352.510 fixing the distance from wells within which mining operations may be conducted without the approval of the department, and any person who violates any of the terms of an order of the department allowing mining operations within a lesser distance of any well than that prescribed by law shall be fined not more than one thousand dollars ($1,000) or imprisoned for not more than twelve (12) months, or both.

(22) Any inspector of mine weights, operator, superintendent, agent, company weighman or check weighman who violates any of the provisions of KRS 352.520 or 352.530 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(23) Any person, company or corporation that violates any of the provisions of KRS 352.540 or 352.550 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000) for each violation.

*(24) Any person who violates the provisions of this Act shall be subject to a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).*

Section 4. For the purpose of this Act, there is hereby appropriated from the General Fund $75,000 for the fiscal year 1975-76 and $75,000 for the fiscal year 1976-77 to the Department for Mines and Minerals.

**HB 123,** AN ACT relating to the payment of wages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 337.020 is amended to read as follows:

*Every employer* [Every corporation for pecuniary profit doing business] in this state shall, as often as semi-monthly, pay to each of its employes all wages or salary earned by him to a day not more than eighteen (18) days prior to the date of that payment*; provided, however, that nothing in this Act shall be construed to prohibit employes of school boards from being paid semi-monthly over a twelve-month period.* Any employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time shall be paid thereafter at any time upon six (6) days' demand. Any employe who leaves or is discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three (3) days' demand. No *employer* [corporation] subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such *employer* [corporation] for the full amount of his wages due each regular payday.

Section 2. KRS 337.990 is amended to read as follows:

(1) Any *employer* [firm, individual, partnership or corporation] that violates KRS 337.020 shall be fined not less than $25.00 nor more than $100 for each offense. Each failure to pay an employe the wages when due him under KRS 337.020 shall constitute a separate offense.

(2) Any person who violates KRS 337.030 shall be fined not more than $500 for each violation.

(3) Any employer who violates KRS 337.050 shall be fined not less than $25.00 nor more than $200 or imprisoned for not more than thirty (30) days, or both.

(4) Any person who violates KRS 337.060 shall be fined not more than $300 or imprisoned for not more than sixty (60) days, or both.

(5) Any employer or agent of an employer who fails to keep and present records as provided in KRS 337.320 or who falsifies such records, or who fails to keep posted a copy of the minimum fair-wage orders as required in KRS 337.330, or who in any way hinders the commissioner or his authorized representative in the enforcement of KRS 337.210 to 337.360 shall be fined not less than $25.00 nor more than $100. Each day of violation of any of these provisions shall constitute a separate offense.

(6) Any person who violates subsection (1) of KRS 337.350 shall be fined not less than $50.00 nor more than $200.

(7) Any person who violates subsection (2) of KRS 337.350 shall be fined not less than $50.00 nor more than $200 or be imprisoned not less than ten (10) days nor more than ninety (90) days, or both. Each day subsection (2) of KRS 337.350 is violated shall constitute a separate offense.

(8) Any person who violates any of the provisions of KRS 337.370 to 337.400 shall be fined not less than $25.00 nor more than $50.00 for the first offense, and for each subsequent offense he shall be fined not less than $50.00 nor more than $200 or imprisoned not less than ten (10) days nor more than ninety (90) days, or both.

(9) Any person who violates KRS 337.530 shall be fined not more than $100.

(10) Any contractor or subcontractor who violates any wage or work hours provision in any contract under KRS 337.505 to 337.550 shall be fined not more than $100 for each offense, and said contractor or subcontractor shall make full restitution to all employes to whom he is legally indebted by reason of said violation. The prime contractor shall be jointly and severally liable with a subcontractor for wages due an employe of the subcontractor. For a flagrant or repeated violation the offending contractor or subcontractor shall be barred from bidding on, or working on, any and all public works contracts, either in his name or in the name of any other company, firm, or other entity in which he might be interested for a period of two (2) years from the date of the last offense. Each day of violation shall constitute a separate offense, and the violation as affects each individual worker shall constitute a separate offense.

(11) Any public authority, public official, or member of public authority who wilfully fails to comply or to require compliance with KRS 337.505 to 337.550 shall be fined not more than $100 for each offense. Each day of violation shall constitute a separate offense. Where a public authority, public official or member of a public authority wilfully or negligently fails to comply with KRS 337.505 to 337.550 and such failure results in damages, injury or loss to any person, such public authority, public official, or member of a public authority may be held liable therefor in a civil action.

(12) Any person who fails to comply with KRS 337.070 shall be fined not less than $10.00, nor more than $100 for each offense and each day that such failure continues shall be deemed a separate offense.

The Committee Amendment to **HB 123** is as follows:

Amend printed copy of House Bill 123 on page 1, line 10, by inserting between the period (".") and the word "Any" the following:

"And further provided, that nothing in this Act shall be construed to prohibit any employe, upon voluntary written request to the employer by that employe, from being paid monthly."

**HB 187,** AN ACT relating to unfair employment practices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 344 is created to read as follows:
This Act shall be known as the "Guenthner Job Security Act of 1976".

Section 2. A new section of KRS Chapter 344 is created to read as follows:
In effectuating the purposes of this chapter no employer, as defined in KRS 344.030, shall establish any employment practices affecting the terms, conditions, and privileges of employment in derogation of an established seniority system or which contravenes an existing collective bargaining agreement.

The Committee Amendment to **HB 187** is as follows:

Amend printed copy of House Bill 187 on page 1, Section 1, by deleting lines 3, 4, 5, and 6

**HB 247,** AN ACT relating to mobile homes and recreational vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 227.600 is amended to read as follows:

(1) No manufacturer who has received a certificate of acceptability from the office may sell or offer for sale in this state mobile homes or recreational vehicles unless they bear a seal of approval issued by and purchased from the office.

(2) Seals issued by the office shall be numbered and shall be affixed to the mobile home or recreational vehicle in a conspicuous place.

(3) Any dealer who has acquired a used mobile home or recreational vehicle without a seal, or one manufactured prior to June 21, 1974, shall apply to the office for a Class B seal by submitting an affidavit that the unit has been brought up to or meets reasonable standards established by the board for used mobile homes or recreational vehicles.

*(4) The owner of any mobile home or recreational vehicle purchased in another state and not bearing a seal of approval shall purchase a seal from the office. Application to purchase a seal of approval or a class B seal shall be made to the licensure board.*

*(5) The licensure board shall make available suitable forms for application for seals of approval for new mobile homes and recreational vehicles or class B seals for used ones.*

The Committee Amendment to **HB 247** is as follows:

Amend printed copy of House Bill 247 on page 2 by inserting after line 7 the following:

"*(6) The clerk of the county in which a mobile home or recreational vehicle is sought to be registered after June 1, 1976, which was purchased out of Kentucky, shall require production of proof of purchase or a seal of approval as provided in KRS 227.600(4) before registering or issuing a license for any such mobile home or recreational vehicle.*"

**HB 429,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:
The workmen's compensation board, the director, or his authorized representative, upon showing a certification of noncompliance, may temporarily restrain or temporarily or permanently enjoin the further operation of any employer covered by the Act. Such action shall be brought in Franklin Circuit Court.

Section 2. KRS 342.230 is amended to read as follows:

(1) Upon the recommendation of the director, the board, within the limits of appropriations therefor, shall establish and fill any positions, including medical services and advice, necessary to carry on the board's work.

(2) The governor shall appoint a director of the board who shall have immediate supervision of the employes of the board, [and] perform such duties as are assigned him, *and have complete authority to carry out all the administrative functions of the division of workmen's compensation.* The director shall be an attorney who has been admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. He shall keep and be the custodian of the records of the board, shall annually report the activities of the board to the governor, and shall devote his full time to the duties of his office. He shall receive a salary to be fixed by the governor.

(3) The governor shall appoint not more than *the number of* [fifteen (15)] hearing officers *authorized by regulation of the board,* each of whom shall be an attorney admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. These officers, upon the direction of the director or the board, shall conduct hearings, and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the director or the board except that such hearing officers shall not render final decisions, orders, or awards. However such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.

(4) The board may at any time recommend the removal of the director or any hearing officer upon filing with the governor a full written statement of its reasons for such removal.

Section 3. KRS 342.315 is amended to read as follows:

(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint not more than three (3) disinterested and duly qualified physicians or surgeons to make any necessary medical examination of the employe and to testify in respect thereto. Such physicians or surgeons shall file with the board within fifteen (15) days after such examination their joint report in writing. The physicians or surgeons shall be allowed a reasonable fee to be fixed by the board and paid out of the maintenance fund. *The board may also authorize the payment of the reasonable costs of x-rays, and a reasonable fee for any deposition given by such physicians or surgeons.* [, not exceeding seventy-five dollars ($75.00) for each examination and report, except that the board may allow additional reasonable amounts in extraordinary cases and the reasonable cost of X-rays, if any; the board may in its discretion allow a fee not in excess of twenty-five dollars ($25.00) for any deposition given by such physicians or surgeons.]

(2) The party filing the motion for an examination shall pay the necessary and reasonable traveling expenses incurred by the employe in submitting to such examination. If the examination is ordered on the board's own motion, then such traveling expenses shall be paid out of the maintenance fund.

Section 4. KRS 342.320 is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an amount equal to 20 per cent of the first $25,000.00, 15 percent of the next $10,000.00 and 5 percent of the remainder of the amount recovered as actuarily determined on past and future benefits according to the American Experience Table of Mortality and the Remarriage Tables of the Dutch Royal Insurance Institute. In no case shall the fee exceed $6,500.00. Provided, however, the board, in making an allowance of attorney fees, shall in each case examine the record to ascertain the extent of the services rendered, and fix a reasonable fee for the services rendered, not to exceed the maximum authorized by this section. The board may reduce the attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation of employment. Any award made to a claimant in a nonresisted claim as established under the provisions of KRS 342.316 (2)(b), paragraph 5, shall result in an award of an attorney fee not exceeding $750.00.

(2) No attorney's fee in any case involving benefits under this chapter shall be paid until the fee is approved by the board, and any contract for the payment of attorney's fees otherwise than as provided in this section shall be void. The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney. *This attorney's fee shall be commuted or discounted over the entire period of the claimant's award on a pro rata basis.* [, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.]

(3) The general assembly declares that by the enactment of subsections (2)(b) and (7) of KRS 342.316, it is the legislative intent to encourage settlement and prompt administrative handling of such claims and thereby reduce expenses to claimants for compensation under the provisions of KRS 342.316, and the board shall give due regard to such legislative intent in the handling of uncontested claims and the allowance of attorney's fees therein.

(4) The board shall approve any contract between attorney and client if the limits on fees enumerated below are followed:

(a) When the claim is uncontested under the provisions of KRS 342.316 (2)(b), paragraph 5, the attorney fee shall not exceed an amount equal to $750.00.

(b) In all other claims, the fee of the attorney shall not exceed a sum equal to twenty percent (20%) of the amount recovered, or $5000.00, whichever is less.

(c) When an order or award is appealed to the Court of Appeals, the attorney fee shall not exceed 20 percent of the amount recovered, or $6000.00, whichever is less.

SECTION 5. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

(1) Every employer subject to this chapter shall keep a record of all injuries fatal or otherwise, received by his employes in the course of their employment. Within one (1) week after the occurrence and knowledge, as provided in KRS 342.185 to 342.200, of an injury to an employe causing his absence from work for more than one (1) day, a report thereof shall be made in writing and mailed to the board on blanks procured from the board for the purpose.

(2) The report shall contain the name, nature, and location of the business of the employer and name, age, sex, wages, and occupation of the injured employe, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and any other information required by the board.

(3) Every employer or insurer subject to this chapter shall file additional reports as are required by the workmen's compensation board for the determination of the promptness of voluntary payment and validity and fairness of agreements. In addition, the board may require additional information as may be necessary to comply with a federal statute or regulation or any state statute.

(4) Upon the termination of the disability of the injured employe, or if the disability extends beyond a period of sixty (60) days, then also at the expiration of such period the employer shall make a supplementary report to the board on blanks procured from the board for the purpose.

Section 6. KRS 342.390 is amended to read as follows:

*Election to operate under this chapter shall be effected by the employer purchasing workmen's compensation insurance or qualifying as a self insured. The proof of election shall be the proof of insurance coverage provided for in KRS 342.340(2).*

[(1) Election to operate under this chapter shall be effected by the employer by filing with the board the following notice:

"(Name of employer) elects to operate under the workmen's compensation law (KRS chapter 342). This election is effective as of the day of ...."

(2) In addition each employer shall at the time of filing notice furnish the following information:

(a) Its location and address of chief office;

(b) Average number of employes during preceding twelve (12) months;

(c) Kind of business being conducted; and

(d) Method of securing payments of compensation to employes that the employer elects to adopt.

(3) The notice shall be in writing signed by the employer, if an individual, by any partner, if a partnership, or by the chief officer or agent within this state, if a corporation.

(4) The notice or a copy thereof certified by an authorized representative of the board may be used as evidence in any action by or against the employer in any court of this state of the facts therein shown and that the employer has elected to operate under this chapter.]

Section 7. KRS 342.395 is amended to read as follows:

*Where an employer is subject to this chapter* [In the event an employer elects to operate under this chapter], then every employe of such employer, as a part of his contract of hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the provisions of this chapter and shall be bound thereby unless he shall have filed, prior to the injury or incurrence of occupational disease, written notice to the contrary with the employer; and such acceptance shall include all of the provisions of this chapter with respect to traumatic personal injury, silicosis and any other occupational disease. *However, before an employe's written notice of rejection shall be considered effective, the employer must file the employe's notice of rejection with the workmen's compensation board. The workmen's compensation board shall not give effect to any rejection of this chapter not voluntarily made by the employe. If an employe withdraws his rejection, the employer shall notify the workmen's compensation board.*

Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this chapter. Any such employe, may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained or disease incurred less than one (1) week after the notice is filed.

Section 8. KRS 342.480 is amended to read as follows:

(1) All taxes and assessments imposed by KRS 342.450 and 342.475 shall be paid into the State Treasury and shall be credited to a maintenance fund for the board. The maintenance fund shall be used for ordinary recurring expenses of operation including the Division of Occupational Safety and Health and for *any other purpose allowed by statute* [no other purpose] and shall be expended by the board under the supervision of the Commissioner of Labor and by allotments made by the budgetary officer of the executive department for finance and administration. The fund shall not lapse at the end of any fiscal year.

(2) At such intervals as may be determined by the board, the director may compile and publish for distribution all or any part of its official proceedings, and may charge a subscription fee sufficient to defray the expenses of such operation.

*(3) If the commissioner of the executive department for finance and administration finds that there are insufficient funds in the maintenance fund to meet the needs and obligations of the division of occupational safety and health or the uninsured employers' fund, he shall advise the commissioner of revenue in writing of such fact. The commissioner of revenue shall then levy additional assessments against all insurance companies writing workmen's compensation insurance in Kentucky, including every employer carrying his own risk.*

*(4) The amount of each insurance company's assessment shall be in the proportion that each company's annual workmen's compensation premium writings in Kentucky bears to the total of all annual workmen's compensation premiums written in Kentucky. Such assessment will be based upon information contained in the insurance company's last filed annual statement with the department of insurance. Such assessments against every employer carrying his own risk will be based upon that proportion which the "adjusted cost" of such own risk carrier bears to the total "adjusted cost" of all such own risk carriers. "Adjusted cost" reports filed with the department of revenue in accordance with KRS 342.475 will be the basis of such determination. Such additional assessment against insurance companies and employers carrying their own risk shall be apportioned between the two classes as the total of premiums and the total "adjusted cost" each bears to the combined total.*

Section 9. KRS 342.730 is amended to read as follows:

(1) Income benefits for disability shall be paid to the employe as follows, subject to the maximum and minimum limits specified in KRS 342.740:

(a) For total disability, 55 per cent of his average weekly wage during such disability, and two and one-half per cent of his average weekly wage for each dependent up to a maximum of three.

(b) In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, or employe disabled by an occupational disease, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury or at the time the disability from an occupational disease began. The compensation paid therefor shall be 55 per cent of the average weekly earnings of the employe at the time of his injury and two and one-half per cent of his average weekly wage at the time of injury for each dependent up to a maximum of three, subject to the limitations contained in KRS 342.740, multiplied by the percentage of disability caused by the injury or occupational disease; provided, however, the individual entitled to benefits under permanent partial disability shall be entitled to compensation based on lost wages or body functional disability benefits, whichever is greater.

(c) For total permanent bodily loss or losses herein scheduled, after and in addition to the income benefits payable during the period of recovery, scheduled income benefits in the amount of 55 per cent of the average weekly wage as follows:

| BODILY LOSS | WEEKS OF DISABILITY |
|---|---|
| 1. Arm | 340 |
| 2. Leg | 340 |
| 3. Hand | 312 |
| 4. Foot | 216 |
| 5. Thumb | |

| | |
|---|---|
| 6. Index Finger | 54 |
| 7. Middle Finger | 43 |
| 8. Ring Finger | 22 |
| 9. Little Finger | 16 |
| 10. Great Toe | 30 |
| 11. Second Toe | 20 |
| 12. Third Toe | 15 |
| 13. Fourth Toe | 8 |
| 14. Fifth Toe | 5 |
| 15. Total loss of binaural hearing | 156 |
| 16. Total loss of vision of one eye | 150 |
| 17. Total loss of bilateral vision | 520 |
| 18. Total loss, or total loss of use, of both hands, both arms, both feet or both legs | 520 |

19. Phalanges: For loss of distal phalanx, one-half of the income benefits for loss of the entire digit. For loss of more than the distal phalanx of a digit, the same as loss of the entire digit.

20. Two or more digits: For loss of two or more digits, or one or more phalanges of two or more digits, of a hand or foot, scheduled income benefits may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the scheduled income benefits for loss of a hand or foot.

21. Total loss of use: Scheduled income benefits for permanent total loss of use of a member shall be the same as for loss of the member.

22. Partial loss or partial loss of use: Scheduled income benefits for permanent partial loss of use of a member shall be for a period proportionate to the period benefits are payable for total loss or total loss of use of the member as such partial loss bears to total loss.

23. Loss of hearing or partial loss of bilateral vision: Scheduled income benefits for partial loss of vision in one or both eyes, or total loss of hearing in one ear, or partial loss of hearing in one or both ears shall be for a period proportionate to the period benefits are payable for total bilateral loss of vision or total binaural loss of hearing as such partial loss bears to total loss. The provisions of paragraphs (d) to (h) of subsection (2) of this section shall app may be proportioned to the loss of use of the hand or foot
occasioned thereby, but shall not exceed the scheduled income benefits for loss of a hand or foot.

21. Total loss of use: Scheduled income benefits for permanent total loss of use of a member shall be the same as for loss of the member.

22. Partial loss or partial loss of use: Scheduled income benefits for permanent partial loss of use of a member shall be for a period proportionate to the period benefits are payable for total loss or total loss of use
ly to scheduled losses of hearing.

24. In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in subparagraphs 1. to 23. of this subsection, scheduled income benefits shall be for the loss of use of each such member or part thereof, with the periods of benefits to run consecutively.

25. Other losses: Proper and equitable scheduled income benefits shall be paid for serious permanent disfigurement of face, head, neck or other area normally exposed and for loss or loss of function of a major member or organ when such disfigurement or loss is of a kind likely to handicap the employe in securing or holding employment.

26. In any case of total or partial loss of use of a member or organ, of hearing or vision, or in any case of disfigurement, determination of the period for which scheduled income benefits are payable shall not be made until the maximum of healing and of restoration function has been attained.

27. If the effects of any of the injuries, or disabilities, from occupational diseases, or losses, mentioned in this section adversely affect a workman's ability to labor, or limit his occupational opportunities to obtain the kind of work he is customarily able to do; his compensation benefits shall not be limited to the amounts provided by this section, and he shall be awarded compensation benefits under some other applicable or appropriate section of this chapter which would provide more compensation benefits for his disability.

(2) Occupational deafness means permanent partial or permanent total loss of hearing of one or both ears caused by prolonged exposure to harmful noise in employment. The following provisions shall apply exclusively to loss of hearing compensable under this subsection:

(a) No claim for scheduled income benefits shall be heard until the lapse of six full consecutive calendar months after the termination of exposure to harmful noise in employment. The time limitation for the filing of claims for occupational deafness shall not begin to run earlier than the day following the termination date of such six months' period. The time for filing claim as provided under this paragraph shall be applicable not only in respect of the last employer, but also in respect of any prior employer who may have liability to pay compensation for the occupational deafness.

(b) No employer shall be liable for the payment of scheduled income benefits for occupational deafness unless the employe claiming benefits shall have worked for such employer in employment exposing the employe to harmful noise for a total period of at least 90 days.

(c) An employer, otherwise liable under this subsection, whose employment has contributed to any extent to an employe's occupational deafness shall be liable for the full extent of the deafness of the employe, unless such employer shall establish by competent evidence (including the results of a professionally controlled hearing test) the extent of the employe's deafness as it existed prior to exposure to harmful noise in the employer's employment. Upon such showing the employer shall be liable to the employe only for the proportion of the deafness attributable to employment by him. An employer liable to the employe for the full extent of the employe's occupational deafness may implead, in a compensation proceeding on the employe's claim, any prior employer or employers in whose employment the employe had been exposed to harmful noise, and if it should be found that the impleaded employer would have been liable to the employe under this subsection, had the employe proceeded against him, under the claim being adjudicated, the employer held liable shall be entitled to an award against the impleaded employer. The impleading of an employer shall be accomplished by notice on a form prescribed by the board. Such notice shall be sent to the impleaded employer and to the board. An award may be made in favor of the employer liable to the employe, and against the impleaded employer or employers, which award may be enforced in the same manner as awards to employes. The impleaded employer or employers shall bear equal shares with the employer of the employer's liability to the employe, unless the evidence warrants a different apportionment.

(d) Losses of hearing due to industrial noise for compensation purposes shall be confined to the frequencies of 500, 1,000, and 2,000 cycles per second. Loss of hearing ability for frequency tones above 2,000 cycles per second are not to be considered as constituting disability for hearing.

(e) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000, and 2,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 15 decibels or less in the three frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 82 decibels or more in the three frequencies, then the same shall constitute and be a total or 100 percent compensable hearing loss.

(f) In measuring hearing impairment, the lowest measured losses in each of the three frequencies shall be added together and divided by three to determine the average decibel loss. For every decibel of loss exceeding 15 decibels an allowance of one and one-half percent shall be made up to the maximum of 100 percent which is reached at 82 decibels.

(g) In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment.

(h) Before determining the percentage of hearing impairment, in order to allow for the average amount of hearing loss from non-occupational causes found in the population at any given age, there shall be deducted from the total average decibel loss, one-half decibel for each year of the employe's age over 40 at the time of last exposure to industrial noise.

(i) No consideration shall be given to the question of whether or not the ability of an employe to understand speech is improved by the use of a hearing aid.

(3) The period of any scheduled income benefits payable under this section on account of any injury shall be reduced by the period of income benefits paid or payable under this chapter on account of a prior injury if scheduled income benefits in both cases are for disability of the same member or function, or different parts of the same member or function, and the scheduled income benefits payable on account of the subsequent disability in whole or in part would duplicate the scheduled income benefits payable on account of the pre-existing disability.

*(4) When an employe, who has sustained disability compensable under KRS 342.730 and who has filed a valid claim in his lifetime, dies from causes other than the injury or occupational disease, the income benefits specified under an award made before or after his death shall be paid to same persons and in the same proportions and upon the same conditions, as persons entitled to income benefits under KRS 342.750.*

[(4) When an employe, who has sustained disability compensable under this section, and who has filed a valid claim in his lifetime, dies from causes other than the injury before the expiration of the compensable period specified, the income benefits specified and unpaid at the individual's death, whether or not accrued or due at his death, shall be paid, under an award made before or after such death, for the period specified in this section, to and for the benefit of the persons within the classes at the time of death and in the proportions and upon the conditions specified in this section and in the order named:

(a) To the widow or widower, if there is no child under the age of 18 or incapable of self-support; or

(b) If there are both such a widow or widower and such a child or children one-half to such widow or widower and the other half to such child or children; or

(c) If there is no such widow or widower but such a child or children, then to such child or children; or

(d) If there is no survivor in the above classes, then the parent or parents wholly or partly actually dependent for support upon the decedent, or to other wholly or partly actually dependent relatives listed in paragraph (g) of subsection (1) of KRS 342.750 or to both, in such proportions as the board may provide by regulation.]

Section 10. KRS 342.760 is amended to read as follows:

(1) There is hereby authorized in the state treasury an uninsured employers' fund for the purpose of making payments in accordance with the provisions of subsection (4) of this section. [The fund shall be administered by the board.] The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not be considered a part of the general funds of the state.

(2) The state treasurer is authorized to disburse moneys from the fund only upon written order of the board.

(3) All amounts collected as fines and penalties under this chapter shall be paid into the uninsured employers' fund. There shall initially be transferred to the fund from the maintenance fund beginning January 1, 1973, the sum of $100,000.

(4) Upon the action taken in subsection (3) the uninsured employers' fund will become operative, compensation thereafter shall be paid from it when there has been default in the payment of compensation due to the failure of an employer to secure payment of compensation as provided by this chapter. Such employer shall be liable for payment into the fund of the amounts authorized to be paid therefrom under the authority of this subsection and for the purposes of enforcing this liability the board, for the benefit of the fund, shall be subrogated to all the rights of the person receiving such compensation.

(5) [The board shall be charged with the conservation of the assets of the fund.] In furtherance of this purpose, the attorney general shall appoint a member or members of his staff or special counsel to represent the fund in all proceedings brought to enforce claims against or on behalf of the fund. Necessary expenses for this purpose including salaries of said staff or special counsel shall be borne by the fund. *The attorney general's office shall be responsible for the administration of the uninsured employers' fund and shall be charged with the conservation of the assets of the fund.*

(6) If at any time the charges against the uninsured employers' fund exceed the assets of said fund, the board, with approval of the commissioner of the executive department for finance and administration *and commissioner of labor,* may transfer sufficient moneys from the maintenance fund to the uninsured employers' fund in order to honor claims filed against said uninsured employers' fund *and to provide for the administration of the fund.*

Section 11. KRS 342.330 is repealed.

**HB 286,** AN ACT relating to unemployment compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 341 is created to read as follows:

The commissioner shall designate an office in each county at which workers may apply for unemployment compensation benefits. This office shall be open at least one day per week.

**HB 542,** AN ACT relating to the construction of public works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 337 is created to read as follows:

(1) Any public official, contractor, subcontractor, or agent of the above engaged in, or in charge of the construction of any "public works" as defined in this chapter shall employ only laborers, workmen and mechanics who have actually resided in the Commonwealth at least eighteen months preceding that employment or are bona fide members of a labor organization as defined in KRS 336.180. If qualified laborers, workmen and mechanics under these provisions are not available, then the person in charge of the work shall notify in writing the commissioner of labor and indicate the unavailability of qualified laborers, workmen and mechanics. Unless the commissioner of labor shall forthwith supply the names of available laborers, workmen and mechanics who are qualified to work under these provisions, the person in charge of public works is authorized to employ laborers, workmen and mechanics who are not qualified to work under these provisions to make up the deficiency. These provisions are not to be construed to prevent the Commonwealth or any county, municipality, board or commission from placing or letting any contract for construction of any public works in the opening market or solicit bids from any persons, firms, or corporations outside the Commonwealth; however, the persons, firms, or corporations outside the Commonwealth must comply with these provisions upon undertaking public works projects.

(2) The commissioner shall, on his own motion, have the power to petition any court of competent jurisdiction to restrain violation of subsection (1) of Section 1 of this Act and to petition for such affirmative relief as the court may deem appropriate.

Section 2. KRS 337.990 is amended to read as follows:

(1) Any firm, individual, partnership or corporation that violates KRS 337.020 shall be fined not less than $25.00 nor more than $100 for each offense. Each failure to pay an employe the wages when due him under KRS 337.020 shall constitute a separate offense.

(2) Any person who violates KRS 337.030 shall be fined not more than $500 for each violation.

(3) Any employer who violates KRS 337.050 shall be fined not less than $25.00 nor more than $200 or imprisoned for not more than thirty (30) days, or both.

(4) Any person who violates KRS 337.060 shall be fined not more than $300 or imprisoned for not more than sixty (60) days, or both.

(5) Any employer or agent of an employer who fails to keep and present records as provided in KRS 337.320 or who falsifies such records, or who fails to keep posted a copy of the minimum fair-wage orders as required in KRS 337.330, or who in any way hinders the commissioner or his authorized representative in the enforcement of KRS 337.210 to 337.360 shall be fined not less than $25.00 nor more than $100. Each day of violation of any of these provisions shall constitute a separate offense.

(6) Any person who violates subsection (1) of KRS 337.350 shall be fined not less than $50.00 nor more than $200.

(7) Any person who violates subsection (2) of KRS 337.350 shall be fined not less than $50.00 nor more than $200 or be imprisoned not less than ten (10) days nor more than ninety (90) days, or both. Each day subsection (2) of KRS 337.350 is violated shall constitute a separate offense.

(8) Any person who violates any of the provisions of KRS 337.370 to 337.400 shall be fined not less than $25.00 nor more than $50.00 for the first offense, and for each subsequent offense he shall be fined not less than $50.00 nor more than $200 or imprisoned not less than ten (10) days nor more than ninety (90) days, or both.

(9) Any person who violates KRS 337.530 shall be fined not more than $100.

(10) Any contractor or subcontractor who violates any wage or work hours provision in any contract under KRS 337.505 to 337.550 shall be fined not more than $100 for each offense, and said contractor or subcontractor shall make full restitution to all employes to whom he is legally indebted by reason of said violation. The prime contractor shall be jointly and severally liable with a subcontractor for wages due an employe of the subcontractor. For a flagrant or repeated violation the offending contractor or subcontractor shall be barred from bidding on, or working on, any and all public works contracts, either in his name or in the name of any other company, firm, or other entity in which he might be interested for a period of two (2) years from the date of the last offense. Each day of violation shall constitute a separate offense, and the violation as affects each individual worker shall constitute a separate offense.

(11) Any public authority, public official, or member of a public authority who wilfully fails to comply or to require compliance with KRS 337.505 or 337.550 shall be fined not more than $100 for each offense. Each day of violation shall constitute a separate offense. Where a public authority, public official or member of a public authority wilfully or negligently fails to comply with KRS 337.505 to 337.550 and such failure results in damages, injury or loss to any person, such public authority, public official, or member of a public authority may be held liable therefor in a civil action.

(12) Any person who fails to comply with KRS 337.070 shall be fined not less than $10.00, nor more than $100 for each offense and each day that such failure continues shall be deemed a separate offense.

*(13) Any person who violates any provision of Section 1 of this Act shall be fined not more than $100 for each offense.*

**HB 652,** AN ACT relating to motor vehicle sales.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 190.080 is amended to read as follows:

*(1) As used in this Act, "previous consumer-owner" shall mean the last owner of the vehicle who could reasonably be expected to have operated the used car for personal, family, household, or business purposes, but shall not mean an owner who possessed the vehicle primarily for resale purposes.*

*(2)* It shall be unlawful for any motor vehicle dealer or motor vehicle *salesperson* [salesman] to refuse to furnish, upon request of a prospective purchaser, the name, *address, and telephone number, if known or available,* of the previous *consumer-owner* [owner] of any used car offered for sale.

*(3) It shall be unlawful for any motor vehicle dealer or motor vehicle salesperson to sell or offer to sell to a consumer a used car which does not have affixed to its windshield, when the car is first offered for sale, in a conspicuous manner in at least ten-point, boldface type, the following notice: "NOTICE: KENTUCKY LAW REQUIRES THAT, IF REQUESTED, WE SHALL FURNISH YOU WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER, IF AVAILABLE, OF THE PREVIOUS CONSUMER-OWNER OF THIS VEHICLE. (KRS 190.080)".*

*(4) It shall be unlawful for any person to transfer a motor vehicle in order to avoid compliance with this Act.*

**HR 67,** A CONCURRENT RESOLUTION memorializing the Congress of the United States to pass an act providing for employment of our nation's youth on public projects.

WHEREAS, twenty percent of the young people of America who desire to engage in gainful employment are unemployed; and

WHEREAS, forty percent of our nation's black population who desire to engage in gainful employment are unemployed; and

WHEREAS, it is improbable that private industry will have the capability to provide gainful employment in the near future for the vast majority of these deserving young people; and

WHEREAS, this situation of massive unemployment is not only unfair and unjust to the young people of this nation but it also creates a very unhealthy condition in our democratic society as a whole;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Congress of the United States is hereby respectfully requested to enact legislation, similar to that which created the Civilian Conservation Corps which was so successful in the 1930's, that will provide useful employment for the unemployed youth of our country on projects that are publicly needed; such projects to include the improvement of forest lands, parks and other recreational facilities.

Section 2. That the Clerk of the House of Representatives be and hereby is directed to send a copy of this resolution to each member of Kentucky Congressional delegation and to the appropriate authorities in the U.S. House of Representatives and Senate.

The Committee on State Government reported **HB 35,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 2 to **HB 35** is as follows:

Amend printed copy of House Bill 35 on page 3 by deleting all of lines 15 through 21 and by inserting in lieu thereof the following:

"The corporation shall make, participate in or purchase loans with housing rehabilitation fund monies only for persons who have made application through urban renewal, redevelopment, housing rehabilitation, community development and similar programs of the local governments of the Commonwealth. Before allocating housing rehabilitation fund monies to individuals through any such programs, the corporation shall review such programs to determine whether the purposes and guidelines of the programs with respect to use of housing rehabilitation funds are consistent with the purposes and guidelines of this Act, and whether administration of the programs by the local governments is likely to insure success of home and neighborhood rehabilitation efforts, and reasonable security for each loan made from the housing rehabilitation fund."

The Committee Amendment No. 3 to **HB 35** is as follows:

Amend printed copy of House Bill 35 on page 6 by deleting lines 3 through 8 in their entirety.

The Committee on State Government reported **HB 249,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on State Government reported **HB 207** with Committee Amendment attached thereto, **HB 350** with Committee Amendment attached thereto, **HB 497, HB 565, HB 639, HB 643** with Committee Amendments attached thereto, **HB 696** with Committee Amendment attached thereto, **HB 700, HB 712, HR 41, SB 189,** with Committee Amendment attached thereto, and **SB 190** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar,

**HB 207,** AN ACT relating to state legislative districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 6.031 is amended to read as follows:

The commonwealth of Kentucky is divided into representative districts as follows:

(1) First District: Ballard, Carlisle, Fulton, and Hickman Counties [and that part of McCracken County contained within voting precincts New Hope—9Melber and Harper].

(2) Second District: Graves County and that part of Calloway County contained in the voting precinct of Coldwater.

(3) Third District: That part of McCracken County contained in the city of Paducah.

(4) Fourth District: Livingston County and that part of McCracken County not contained in [the First District or] the Third District.

(5) Fifth District: Calloway County, except the voting precinct of Coldwater, and that part of Trigg County west of Kentucky Highway 139 and including the city of Cadiz.

(6) Sixth District: Lyon and Marshall Counties and Crittenden County except for voting precincts Marion 4, Marion 6, Rosebud 11, and Shady Grove 12.

(7) Seventh District: Union County; that part of Henderson County not contained in the Eleventh District; that part of Daviess County contained in the voting precincts of Pleasure Ridge, Utica, Snyder School, West Louisville, Curdsville, St. Joseph, Rome, Sorgo, Masonville, Stanley, North Town, South Town, Fields, Habit.

(8) Eighth District: That part of Trigg County east of Kentucky Highway 139 but excluding the city of Cadiz; that part of Christian County contained within the following voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25.

(9) Ninth District: That part of Christian County contained within the following voting precincts 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32; that part of Hopkins County contained within the following voting precincts: 14, 15, 16, 17.

(10) Tenth District: Hopkins County except for voting precincts: 14, 15, 16, 17.

(11) Eleventh District: Henderson County, except for the voting precincts of South Corydon, Niagara and Hebbardsville, and that portion of the county lying south of Kentucky Highway 416, beginning at its junction with U.S. 41A and proceeding eastward to its junction with Niagara precinct.

(12) Twelfth District: Caldwell and Webster Counties; that part of Crittenden County not included in the Sixth District; that part of McLean County not contained in the Fifteenth District.

(13) Thirteenth District: That part of Daviess County contained in the city of Owensboro but excluding the following voting precincts: 4, 6, 7, 10, 11, 15, 17, 18, 19, 20, 32.

(14) Fourteenth District: That part of Daviess County not contained in the Seventh District or in the Thirteenth District.

(15) Fifteenth District: Muhlenberg County and that part of McLean County contained in voting precincts: 2, 3, 6, 8.

(16) Sixteenth District: Todd and Logan Counties.

(17) Seventeenth District: Hancock and Ohio Counties and that part of Butler County not contained within the Nineteenth District.

(18) Eighteenth District: Meade County and Breckinridge County except the voting precincts of McDaniels, Glen Dean.

(19) Nineteenth District: Edmonson and Grayson Counties; that part of Breckinridge County contained in voting precincts of McDaniels and Glen Dean; that part of Butler County included in the census county division of Jetson, bounded by Welch Creek, Blacklick School Road, State Highway 411, county line, Green River, Woodbury city limits, Green River, Welch Creek; and including the cities of Morgantown and Woodbury; and including census enumeration district No. 8, bounded by Green River, Morgantown city limits, State Highway 403, Cool Spring Church Road, unnamed road, U.S. Highway 231, Muddy Creek and county line; that part of Hart County contained in voting precincts: 3, 13, 14, 16, 17.

(20) Twentieth District: That part of Warren County containing all of the city of Bowling Green excluding the voting precincts of Reels Garage, Octogan Inn, Green Meadows and Delefield but including the voting precincts of Miller's Bottled Gas, Watts Mill and Mt. Victor.

(21) Twenty-first District: That part of Simpson County contained in the voting precincts of Harristown, Public School, West Door and Prospect Hill and that part of Warren County not contained in the Twentieth District.

(22) Twenty-second District: Allen and Monroe Counties, and that part of Simpson County not contained in the Twenty-first District.

(23) Twenty-third District: Barren County and that part of Metcalfe County containing voting precincts Randolph-Wisdom No. 3, Knob Lick No. 4, Savoyard No. 5, Summer Shade No. 8 and Willow Shade-Beaumont No. 9.

(24) Twenty-fourth District: Larue County; that part of Hart County not contained in the Nineteenth District; that part of Marion County not contained in the Fifty-fourth District.

(25) Twenty-fifth District: That part of Hardin County contained in the voting precincts of Elizabethtown East, Elizabethtown West, Elizabethtown Northeast, Elizabethtown Northwest, Elizabethtown North, Helmwood Heights, Mantle, Valley Creek, City Park, Colesburg, Tunnel Hill, Helm, Chelf, Van Meter, South Dixie, Glendale, Nolin, Sonora, Upton, Melrose and White Mills, and that part of the Fort Knox Military Reservation that lies east of a line beginning at the intersection of the southern boundary of the Fort Knox Military Reservation and State Road 447, and extends northward along State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River.

(26) Twenty-sixth District: That part of Hardin County contained in the voting precincts of Radcliff North, Radcliff South, Radcliff West, Vine Grove North, Vine Grove South, Vine Grove West, Longview, Yates, Rineyville, Howevalley, St. John, Cecilia, East View, Meeting Creek, and Long Grove and that part of the Fort Knox Military Reservation not included in the Twenty-fifth and Twenty-seventh Districts.

(27) Twenty-seventh District: That part of Hardin County not contained in the Twenty-fifth and Twenty-sixth Districts, that part of the Fort Knox Military Reservation whose southern boundary is Chaffee Avenue extended westward to the Hardin-Meade County line and eastward to State Road 447, thence northward on State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River and that part of Jefferson County contained in voting precincts C8, C18, C19, C23, C44, C53, C70 and C87 of C District of the County.

(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47, C56, C57, C58, C65, C66, C72, C73, C78, C79, C82, C90 and C91 of C District of the County.

(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C21, C30, C34, C39, C46, C50, C54, C55, C59, C60, C64, C67, C69, C71, C74, C75, C80, C81, C85, and C94 of C District of the county.

(30) Thirtieth District: That part of Jefferson County containing voting precinct 37 of the Third Ward of the city of Louisville, and voting precincts B7, B10, B13, B14, B15, B18, B19, B21, B22, B24, B38, B42, B43, B48, B54, B58, B64 and B67 of B District of the county.

(31) Thirty-first District: That part of Jefferson County containing voting precincts 16, 17, 19, 26, 29, 34, 35, 36 and 38 of the Second Ward of the city of Louisville; voting precincts A22, A36, A38, A39, A43, A50, A63 and A74 of A District of the county, and voting precincts B4, B5, B6, B9, B17, B27, B28, B35, B39, B45, B55, B56 and B68 of B District of the county.

(32) Thirty-second District: That part of Jefferson County containing voting precincts 3, 4, 5, 6, 7, 9, 10, 13, 14, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32 and 33 of the First Ward; voting precincts 1, 2, 3, 4, 5 and 6 of the Second Ward; voting precincts 1 and 2 of the Third Ward of the city of Louisville, and voting precincts A2, A5, A18, A19, A26, A29, A34, A49, A51, A60 and A73 of A District of the county.

(33) Thirty-Third District: That part of Jefferson County containing voting precincts 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 21, 23, 24, 27, 28, 30, 31, 32 and 33 of the second ward of the city of Louisville; voting precinct A 17 of A District of the county, and voting precincts B1, B2, B3, B29, B30, B31, B33, B34, B59 and B70 of B District of the county.

(34) Thirty-fourth District: That part of Jefferson County containing voting precincts 11, 12, 16, 17, and 19 of the First Ward, and voting precincts 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 and 36 of the third ward, voting precinct 11 of the fifth ward of the city of Louisville, and voting precinct B16 of B District of the county.

(35) Thirty-fifth District: That part of Jefferson County containing voting precincts 17 and 29 of the Third Ward, and voting precincts 5A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 32, and 33 of the Fourth Ward, voting precincts 10 and 13 of the Eighth Ward of the city of Louisville, and voting precincts B8, B11, B12 and B32 of B District of the county.

(36) Thirty-sixth District: That part of Jefferson County containing voting precinct 15 of the First Ward; voting precincts 13 and 16 of the Third Ward; voting precincts 21 and 23 of the Fourth Ward; voting precincts 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the Fifth Ward, voting precincts 9, 11, 12 and 14A of the Eighth Ward of the city of Louisville.

(37) Thirty-seventh District: That part of Jefferson County containing voting precinct 34 of the Fourth Ward, voting precincts 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 29 of the Sixth Ward, and voting precincts 6, 8 and 9 of the Seventh Ward, voting precinct 16 of the Eighth Ward of the city of Louisville, and voting precincts C24 and C88 of C District of the county.

(38) Thirty-eighth District: That part of Jefferson County containing voting precincts 12, 13, 15, 16, 27, 28, 30, 31, and 32 of the Sixth Ward, voting precincts 3A, 5, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the Seventh Ward of the city of Louisville.

(39) Thirty-ninth District: That part of Jefferson County containing voting precincts 1, 2 and 31 of the First Ward, voting precincts 2, 3, and 4 of the Fifth Ward, voting precinct 5 of the Sixth Ward, voting precincts 1, 2, 3, 4, 5, 6, 7, 8 and 15 of the Eighth Ward, and voting precinct 21 of the Ninth Ward, voting precincts 3, 18, 19 and 27 of the Tenth Ward of the city of Louisville.

(40) Fortieth District: That part of Jefferson County containing voting precincts 2 and 4 of the Seventh Ward, voting precincts 17, 18, 19, 20 and 21 of the Eighth Ward, voting precincts 8, 10, 11, 12, 13, 14A, 15A, 16, 17 and 18 of the Ninth Ward, and voting precincts 22, 23, 24, 25 and 26 of the Tenth Ward of the city of Louisville, and voting precincts C9, C25, C27, C35, C51, C63 and C68 of C District of the county.

(41) Forty-first District: That part of Jefferson County containing voting precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21 and 28 of the Tenth Ward, voting precincts 1, 5, 9, 18, 19, 20 and 21A of the Eleventh Ward of the city of Louisville.

(42) Forty-second District: That part of Jefferson County containing voting precincts 1, 2, 3, 4, 5, 6, 7A, 9, 19 and 20 of the Ninth Ward, voting precincts 8, 10, 11, 12, 13, 14, 15, 16 and 17 of the Eleventh Ward, and voting precincts 21, 22, 23, 24 and 25 of the Twelfth Ward of the city of Louisville.

(43) Forty-third District: That part of Jefferson County containing voting precincts 2, 3, 4, 6 and 7 of the Eleventh Ward, and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11A, 12, 13, 14, 15, 16A, 17, 18, 19 and 20 of the Twelfth Ward of the city of Louisville.

(44) Forty-fourth District: That part of Jefferson County containing voting precincts C1, C2, C3, C4, C10, C13, C15, C20, C26, C28, C29, C36, C37, C38, C41, C48, C49, C52, C62, C76, C77, C86, C92 and C93 of C District of the county.

(45) Forty-fifth District: That part of Jefferson County containing voting precincts B23, B63, and B66 of the B District of the county; voting precincts C12, C14, C16, C17, C22, C32, C42, C61, C83, C84 and C89 of C District of the county.

(46) Forty-sixth District: That part of Jefferson County containing voting precincts B20, B25, B26, B36, B37, B40, B41, B44, B46, B47, B49, B50, B51, B52, B53, B57, B60, B61, B62, B65 and B69 of B District of the county.

(47) Forty-seventh District: That part of Jefferson County containing voting precincts A4, A6, A8, A12, A13, A15, A16, A20, A21, A23, A24, A25, A27, A28, A31, A32, A33, A35, A37, A41, A42, A45, A46, A53, A58, A64, A68, A69, A71, A72, A77, A80 and A81 of A District of the county.

(48) Forty-eighth District: That part of Jefferson County containing voting precincts A1, A3, A7, A9, A10, A11, A14, A30, A40, A44, A47, A48, A52, A54, A55, A56, A57, A59, A61, A62, A65, A66, A67, A70, A75, A76, A78 and A79 of A District of the county.

(49) Forty-ninth District: Bullitt and Spencer Counties.

(50) Fiftieth District: Nelson County; that part of Washington County not contained in the Fifty-fourth District; that part of Anderson County contained in voting precincts 9, 10, 11.

(51) Fifty-first District: Green and Taylor Counties, and that part of Metcalfe County not contained in the Twenty-third District.

(52) Fifty-second District: Adair and Casey Counties and that part of Russell County not contained in the Fifty-third District.

(53) Fifty-third District: Wayne, Clinton and Cumberland Counties; that part of Russell County contained within the county census division of Eli bounded by: State Highway 80; county line, Lake Cumberland, Caney Creek, Caney Fork, Clear Fork, Dunbar Trail, Dunbar Road, West Wilson Road, State

Highway 80, that part of Russell County contained within the county census division of Bryan bounded by: State Highway 92, Greasy Creek, Bethel Creek Fork, Blankenship Road, State Highway 55, Helen Road, State Highway 35, county line.

(54) Fifty-fourth District: Boyle County; that part of Marion County contained in voting precincts 1, 2, 3, 7; that part of Washington County contained in voting precincts 5, 6, 7, 8, 9, 10.

(55) Fifty-fifth District: Garrard and Mercer Counties; that part of Anderson County not contained in the Fiftieth District.

(56) Fifty-sixth District: Jessamine and Woodford Counties.

(57) Fifty-seventh District: Franklin County except for the voting precinct of Bridgeport No. 27.

(58) Fifty-eighth District: Henry and Shelby Counties and that part of Franklin County contained within voting precinct Bridgeport No. 27.

(59) Fifty-ninth District: Carroll, Gallatin, Oldham, and Trimble Counties.

(60) Sixtieth District: Boone County.

(61) Sixty-first District: Bracken, Grant and Owen Counties and Pendleton County except for the voting precincts of Bonar and Sandsuck.

(62) Sixty-second District: Harrison and Scott Counties.

(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crestview, Edgewood 1, 2 and 3; Elsmere 4; Erlanger 1, 2, 3, and 7; Fort Mitchell 1, 2, 3, 4, 5 and 6; Fort Wright 1, 2, 3, 4 and 5; Lakeside Park 1, 2, and 3; Park Hills 1, 2 and 3; and Sandfordtown.

(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 26, 27, 29, 30, 40, 41, 42 and 43, Decoursey, Independence 1 and 2, Morningview, Nicholson, Oakridge, Piner, Richardson, Taylor Mill 1 and 2, Visalia, Whites Tower, Winston Park.

(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 12, 14, 15, 17, 18, 19, 20, 20A, 23, 24, 25, 31, 33, 34, 35, 36, and 39.

(66) Sixty-sixth District: That part of Kenton County containing the following voting precincts: Covington 6, 7, 10, 10A and 13, Bromley, Crescent Springs, Elsmere 1, 2, and 3, Erlanger 4, 5, 6, 8 and 9, Ludlow 1, 2, 3, 4 and 5, Villa Hills 1 and 2.

(67) Sixty-seventh District: That part of Campbell County containing all of the voting precincts in the city of Newport, the city of Wilder, the city of Southgate except voting precinct Southgate B; that part of Kenton County containing voting precincts Covington 1, 3.

(68) Sixty-eighth District: That part of Campbell County containing all the voting precincts in the city of Bellevue; all the voting precincts in the city of Dayton; voting precincts A, B, C, D, E, G, L and P in the city of Fort Thomas and the voting precincts of Woodlawn, Brent, Crestview, Silver Grove, Hayfield, Carthage, Camp Springs and Melbourne.

(69) Sixty-ninth District: That part of Campbell County not contained in the Sixty-seventh and Sixty-eighth Districts; that part of Pendleton County contained in the voting precincts of Bonar and Sandsuck.

(70) Seventieth District: Mason and Robertson Counties; that part of Fleming County not in the Seventy-fourth District; that part of Rowan County contained in census enumeration district 3 bounded by Bath County line, Triplett Creek, Morehead city limits, Kentucky Highway 32, Fleming County line.

(71) Seventy-first District: Morgan and Menifee Counties; that part of Rowan County not contained in the Seventieth District; the Northern part of Wolfe County bounded by Kentucky Highway 15, Campton City limits, Kentucky Highway 746, Mountain Parkway Extension, Morgan County line, Menifee County line, Powell County line, including the city of Campton.

(72) Seventy-second District: Bourbon County and that part of Fayette County not contained in the Seventy-fifth District, the Seventy-sixth, Seventy-seventh, Seventy-eighth and Seventy-ninth Districts.

(73) Seventy-third District: Clark and Powell Counties.

(74) Seventy-fourth District: Bath, Nicholas and Montgomery Counties, and that part of Fleming County contained in census enumeration district 9 bounded by county line, Three Mile Run, State Highway 1325 (Three Mile Road), Cane Road, State Highway 1123 (Peck's Ridge Road), State Highway 57, Craintown Road, and State Highway 32 westward to county line.

(75) Seventy-fifth District: That part of Fayette County contained within the following described boundaries: Beginning at the intersection of South Broadway and Mason Headley Road; then with the center line of South Broadway in a northeastwardly direction to the intersection of South Broadway and Virginia Avenue; then in a northwestwardly direction with the western boundary of the Kentucky Trotting Horse Breeders Association property (Red Mile) to the Versailles Pike across from the intersection of Forbes Road; then in a generally northwardly direction with the center line of Forbes Road to its intersection with the Old Frankfort Pike to its intersection with Leestown Pike (West Main Street); then in a southeastwardly direction with the center line of West Main Street to its intersection with Newtown Pike; then in a northwestwardly direction with the center line of Newtown Pike to its intersection with West Fourth Street; then in a southeastwardly direction with the center line of West Fourth Street to the Louisville and Nashville Railroad Company crossing; then in a northeastwardly direction with the center line of the right-of-way of the Louisville

and Nashville Railroad Company to its crossing of the Russell Cave Pike (Ky 353); then in a generally southwardly direction along the center line of the Russell Cave Pike to Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southeastwardly direction with the center line of Maple Avenue to its intersection with East Seventh Street and in a southeastwardly direction along the center line of East Seventh Street to its intersection with Shropshire; then in a southwestwardly direction with the center line of Shropshire Avenue to East Sixth Street and in a northwestwardly direction with the center line of East Sixth Street to its intersection with Pemberton; then in a southwestwardly direction with the center line of Pemberton to its intersection with East Fifth Street; then in a southeastwardly direction with the center line of East Fifth Street to its intersection with Race Street and in a southwestwardly direction with the center line of Race Street to its intersection with East Third Street; then in a southeastwardly direction with the center line of East Third Street to its intersection with Walton Avenue; then in a southwestwardly direction with the center line of Walton Avenue to its intersection with East Main Street and in a northwestwardly direction with the center line of East Main Street to its intersection with Ransom Avenue; then in a southwestwardly direction with the center line of Ransom Avenue to its intersection with East High Street and in a generally southwardly direction with the center line of East High Street to its intersection with Sunset, then in a northwestwardly direction with the center line of Sunset to Lafayette Avenue and continuing along the center line of Columbia (Sunset) to its intersection with Woodland Avenue and in a southwestwardly direction with the center line of Woodland Avenue to its intersection with Huguelet and in a northwestwardly direction along the center line of Huguelet to its intersection with Rose Street and in a southwestwardly direction with the center line of Rose Street to its intersection with South Limestone; then continuing in a southwestwardly direction along the center line of South Limestone to its intersection of Waller Avenue and then in a northwestwardly direction along the center line of Waller Avenue to its intersection with South Broadway and the Mason Headley Road, the point of beginning.

(76) Seventy-sixth District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of East Third Street and Race Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwest property line of Richmond Avenue; then in a southwestwardly direction with said property line of Richmond Avenue to East Main Street and then in a southeastwardly direction along the center line of East Main Street to its intersection with Henry Clay Boulevard; then in a northeastwardly direction with the center line of Henry Clay Boulevard to its intersection with Menifee Avenue and in a southeastwardly direction with the center line of Menifee Avenue to a point in the southeast property line of Holiday Road; then with said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks; then in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road (Ky 4); then in a generally northwardly direction along the center line of the New Circle Road to its intersection with the Winchester Pike (US 60); then in a generally eastwardly direction with the center line of the Winchester Pike to its intersection with Interstate 64-75; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to its overpass on the Russell Cave Pike (Ky 353); then in a southwestwardly direction with the center line of Russell Cave Pike to its intersection with the New Circle Road; then in a southeastwardly direction with the center line of New Circle Road to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction with the center line of North Limestone to its intersection with Carlisle Avenue; then in a southeastwardly direction along the center line of Carlisle Avenue to its intersection of Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southwestwardly direction with the center line of Maple Avenue to East Seventh Street; then in a southeastwardly direction along the center line of East Seventh Street to Shropshire; then in a southwestwardly direction along the center line of Shropshire to East Sixth Street; then in a northwestwardly direction along the center line of East Sixth Street to Pemberton; then in a southwestwardly direction the center line of Pemberton to East Sixth Street; then in a southeastwardly direction with the center line of East Fifth Street to Race Street; then in a southwestwardly direction along the center line of Race Street to its intersection with East Third Street, the point of beginning.

(77) Seventy-seventh District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and the New Circle Road (Ky 4); then with the New Circle Road in a generally northeastwardly direction to the following intersections: Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike and North Broadway to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction along the center line of North Limestone to Carlisle Avenue; then in a southeastwardly direction with the center line of Carlisle Avenue to Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue and in a northwestwardly direction with the center line of Louden Avenue to its intersection with Russell Cave Pike and in a generally northwardly direction with the center line of the Russell Cave Pike to the Louisville and Nashville Railroad crossing; then in a southwestwardly direction with the right-of-way with the Louisville and Nashville Railroad to West Fourth Street; then in a northwestwardly direction

along the center line of West Fourth Street to the Newtown Pike and in a southwestwardly direction the center line of the Newtown Pike to West Main Street; then in a northwestwardly direction with West Main Street (Leestown Pike) to Forbes Road; then in a southwestwardly direction the center line of Forbes Road to the Versailles Road and across the Versailles Road and along the western property line of the Kentucky Trotting Horse Breeders Association (Red Mile) to South Broadway and in a southwestwardly direction along the center line of South Broadway to Clays Mill Road and continuing in a southwestwardly direction along the center line of Clays Mill Road to Longview Drive; then in a northwestwardly direction along the center line of Longview Drive to the Harrodsburg Road; then in a northeastwardly direction along the center line of the Harrodsburg Road to the Lane Allen Road and in a northwestwardly direction along the center line of Lane Allen Road to Garden Springs Drive; then in a southwestwardly direction along the center line of Garden Springs Drive to Cypress Drive; then in a southeastwardly direction along Cypress Drive to Poppy Lane; then in a southwestwardly direction along a line extended from the end of Poppy Lane to the point opposite Aster Road and in a southeastwardly direction along a line extending from the end of Aster Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to the New Circle Road and in a northwestwardly direction along the center line of New Circle Road to a point opposite the center line of Lansill Road and in a northeastwardly direction along the center line of Lansill Road to a point on the Lane Allen Road; then continuing in a northeastwardly direction along the center line of Traveller Road to the northwest property line of Antietam Road; then in a generally northwardly direction along the line between the rear property lines of Traveller Road and Alexandria Drive to the Parkers Mill Road; then continuing in a generally northwardly direction along the center line of the Parkers Mill Road to Versailles Road; then in a westwardly direction along the center line of Versailles Road to the New Circle Road, the point of beginning.

(78) Seventy-eighth District: That part of Fayette County contained within the following boundaries: Beginning on Versailles Pike (US 60) at the Woodford County line; then eastwardly with the center line of the Versailles Pike to the intersection with the New Circle Road, then continuing along the Versailles Pike to Parkers Mill Road; then in a generally southwardly direction along the center line of Parkers Mill Road and continuing in a southerly direction along the rear property lines of Traveller Road and Alexandria Drive to the northwestwardly property line of Antietam Road and in a southwestwardly direction with said property line of Antietam Road to the center line of Traveller Road and with the center line of Traveller Road to the Lane Allen Road; then in a southwestwardly direction to the center line of Lansill Road, continuing along the center line of Lansill Road and on to New Circle Road and in a southeastwardly direction along the center line of the New Circle Road to the Harrodsburg Road and in a northeastwardly direction along the center line to the Harrodsburg Road to a point opposite Aster Road and in a northwestwardly direction along a line to a point opposite Poppy Lane; then in a northeastwardly direction along a line to the end of Poppy Lane and continuing on the center line of Poppy Lane to Cypress Drive; then in a northwestwardly direction along the center line of Cypress Drive to Garden Springs Drive; then in a northeastwardly direction along the center line of Garden Springs Drive to Lane Allen Road; then in a southeastwardly direction along the center line of Lane Allen Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to Longview Drive; then in a southeastwardly direction along the center line of Longview Drive to Clays Mill Road; then in a northeastwardly direction along the center line of Clays Mill Road to Harrodsburg Road continuing in a northeastwardly direction along the center line of the Harrodsburg Road to its intersection of Waller Avenue; then in a southeastwardly direction along the center line of Waller Avenue to South Limestone; then in a northeastwardly direction along the center line of North Limestone to Rose Street continuing in a northeastwardly direction along the center line of Rose Street to Huguelet, then in a southeastwardly direction along the center line of Huguelet to Woodland Avenue; then in a northeastwardly direction along the center line of Woodland Avenue to Columbia Avenue; then in a southeastwardly direction along the center line of Columbia Avenue to Lafayette Avenue and continuing along the center line of Sunset (Columbia Avenue) to the Tates Creek Pike; then in a generally southerly direction along the center line of Tates Creek Pike to Lansdown Drive; then in a southwestwardly direction along the center line of Lansdowne Drive to Zandale Drive; then in a northwestwardly direction along the center line of Zandale Drive to South Limestone (Nicholasville Pike); then in a southwestwardly direction along the center line of Nicholasville Pike to the Wilson-Downing Road; then in a southeastwardly direction along the center line of the Wilson-Downing Road to the Tates Creek Pike (Ky 1974); then in a generally southerly direction along the center line of the Tates Creek Pike to the Fayette County line; then along the Fayette County line in a generally northwestwardly direction to the Versailles Pike (US 60), the point of beginning.

(79) Seventy-ninth District: That part of the county of Fayette contained within the following boundaries: Beginning at the Kentucky River at the landing of Tates Creek Pike; then in a generally northwestwardly direction along the center line of the Tates Creek Pike to the Wilson-Downing Road; then continuing in a northwestwardly direction along the center line of the Wilson-Downing Road to the Nicholasville Road and in a northeastwardly direction along the center line of the Nicholasville Road (South Limestone) to Zandale Drive; then in a southeastwardly direction along the center line of Zandale Drive to Lansdowne Drive; then in a northeastwardly direction along the center line of Lansdowne Drive to Tates Creek

Pike; then in a generally northwardly direction along the center line of Tates Creek Pike (East High Street) to Ransom Avenue and in a northeastwardly direction along the center line of Ransom Avenue to East Main Street and in a southeastwardly direction along the center line of East Main Street to Walton Avenue, then in a northwestwardly direction along the center line of Walton Avenue to East Third Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwestern property line of Richmond Avenue; then in a southwestwardly direction along said property line of Richmond Avenue to East Main Street and in a southeastwardly direction with the center line of East Main Street to Henry Clay Boulevard and in a northeastwardly direction with the center line of Henry Clay Boulevard to Menifee Avenue and in a southeastwardly direction along the center line of Menifee Avenue to a point in the southeastern property line of Holiday Road; then in a northeastwardly direction along said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks and in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road; then in a generally northerly direction along the center line of the New Circle Road to the Winchester Pike (US 60) and in a generally eastwardly direction along the Winchester Pike to the Interstate 64-75 interchange; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to the Bryan Station Pike (Ky 956) and in a northwestwardly direction along the center line of the Bryan Station Pike to the Muir Station Pike; then in a southeastwardly direction along center line of the Muir Station Pike to the Briar Hill Pike; then in a northeastwardly direction along the center line of the Briar Hill Pike to the Bourbon County line; then following the Fayette County line in a generally southerly direction to the Kentucky River and along the Kentucky River to the Tates Creek Pike, the point of beginning.

(80) Eightieth District: Lincoln and Rockcastle Counties and that part of Pulaski County contained within the following voting precincts: Eubank 25, Estesburg 26, Hazeldell 27, Good Hope 28 and Catron 31.

(81) Eighty-first District: That part of Madison County not contained in the Eighty-fourth District.

(82) Eighty-second District: Whitley County; that part of McCreary County contained within the County Census Division of Pine Knot bounded by: Blue Heron Road extended, Blue Heron Road, State Highway 742, U. S. Highway 27, Laurel Creek, Marsh Creek, Duck Run, county line, state line, South Fork Cumberland River; that part of McCreary County contained within the County Census Division of Cooperative bounded by: South Fork Cumberland River, state line, county line; that part of McCreary County contained within the county census division of Stearns bounded by: Lick Creek, Bridge Fork, Laurel Creek, U. S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended, South Fork Cumberland River.

(83) Eighty-third District: That part of Pulaski County not contained in the Eightieth District.

(84) Eighty-fourth District: Estill and Jackson Counties and that part of Madison County contained in the city of Berea and in voting precincts 19 and 20.

(85) Eighty-fifth District: Laurel County and that part of McCreary County not contained in the Eighty-second District.

(86) Eighty-sixth District: Knox County; that part of Clay County contained in voting precincts 1, 7, 8, 12, 14, 15.

(87) Eighty-seventh District: Bell County and that part of Harlan County contained in voting precinct Pathfork 41.

(88) Eighty-eighth District: That part of Harlan County not contained in the Eighty-seventh and Ninetieth Districts.

(89) Eighty-ninth District: Breathitt and Lee Counties and that part of Wolfe County not contained in the Seventy-first District, and that part of Perry County contained in census county division of Big Creek, Blue Diamond Buckhorn, Yerkes-Busy and Krypton lying north and east of the following boundary: Leslie County line, Big Creek-Right Fork Divide, Buffalo Fork Big Creek-Buffalo Creek Divide, Brown's Fork-Buffalo Creek Divide, Messer Branch-Davidson Branch Divide, Happy Hollow, Hazard City limits, Walker Branch-North Fork Kentucky River Divide; Laurel Fork-Lost Creek-First Creek Divide, Sixteenmile Creek-Lower Second Creek Divide, Lost Creek, Grapevine Creek Divide, Tenmile Creek-Grapevine Creek Divide, Breathitt County line, Owsley County line, and Clay County line.

(90) Ninetieth District: Leslie and Owsley Counties, and that part of Harlan County contained in the voting precincts of Pine Mountain-Big Laurel No. 11, Bledsoe No. 12, New Baxter No. 9, Old Baxter No. 8, School House Loyall No. 35, City Hall Loyall No. 34, Rio Vista No. 36, and Putney No. 10, and that part of Clay County contained in voting precincts 2, 3, 4, 5, 6, 9, 10, 11, 13.

(91) Ninety-first District: That part of Perry County not contained in the Eighty-ninth district, and that part of Letcher County not contained in the Ninety-second district.

(92) Ninety-second District: Knott and Magoffin Counties; that part of Letcher County contained in census county division of Blackey, Colson, Fleming-Neon, and census enumeration districts 21 and 22, lying northwest of the following boundary: Perry County line, Turkey Creek-Defeated Creek Divide, Whittaker Branch Road, Tolson Branch Road, Kentucky Highway 588, Mills Branch Road, Mills Branch Spur Road, Rockhouse Creek-Smoot Creek Divide, Kentucky Highway 15, Smoot Creek-Dry Fork Divide, Rockhouse Creek-North Fork Kentucky River Divide, Millstone Creek Road, Kentucky Highway 803, State Highway 113,

North Fork Kentucky River, U. S. Highway 119, Seco city limits, U.S. Highway 119, Jenkins city limits, McRoberts city limits, Fleming city limits, and from Hemphill-Jackhorn P.O. due north to Pike County line, including the cities of Seco and Fleming.

(93) Ninety-third District: That part of Pike County contained in voting precincts Caney 20, Yeager 21, Old Shelby 22, Long Fork 23, Dorton 24 and Elmwood in District 2; Marrowbone 30, Rockhouse 31, Henry Clay 32, Hellier 33, Ashcamp 34 and Rasnick 35 in District 3; Millard 40, Lick Creek 42, Grapevine 43, and Garden Village 46 in District 4; Raccoon 51 in District 5; Peter 70, Blackberry 71, Knox 72, Freeburn-Cline 73, Wolford 74, Bluesprings 75, Majestic 76 in District 7; Mouthcard 80, Upper Elkhorn 81, Elkhorn City Hall 82, Belcher 83, Feds Creek 84, Looney 85 in District 8.

(94) Ninety-fourth District: That part of Pike County not contained in the Ninety-third District; that part of Floyd County not contained in the Ninety-fifth District.

(95) Ninety-fifth District: Floyd County except for the voting precincts Herold, Toler Creek, Antioch, Branhams Creek, Head of Mud, Tickey.

(96) Ninety-sixth District: Carter and Lewis Counties.

(97) Ninety-seventh District: Johnson and Martin Counties, and that part of Lawrence County contained in voting precincts 7, 9, 10, 11, 12, 13 and 14.

(98) Ninety-eighth District: That part of Greenup County not contained in the Ninety-ninth District.

(99) Ninety-ninth District: Elliott County; that part of Lawrence County contained in voting precincts 1, 2, 3, 4, 5, 6, and 8; that part of Boyd County containing the following voting precincts: Court House 1, City Building 2, Argo 3, Hampton 4, Rockdale 5, England Hill 7, Durbin 8, East Fork 9, Cannonsburg 10, Princess 11, Garner 12, Hoods Creek 13, Fairview 14, Buckley 15, Westwood 16, Millseat 17; that part of Greenup County contained in census enumeration district 10, known as Bellefonte City, bounded by county line, Country Club Drive (State Highway 693) to its junction with State Highway 1725, then southeasterly to the county line.

(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District.

The Committee Amendment to **HB 207** is as follows:

Amend printed copy of House Bill 207 on page 1, line 8, by placing a bracket, " [", in front of the word "and";

and on page 1, line 10, by placing a bracket, "]", after the word "Coldwater" and before the period;

and on page 1, line 16, by placing a bracket, " [", after the word "County" and before the comma;

and on page 1, line 17, by placing a bracket, "]", after the comma and before the word "and".

**HB 350,** AN ACT relating to the auditor of public accounts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 43.050 is amended to read as follows:

(1) The auditor constitutes an agency independent of the administrative departments enumerated in KRS 12.020, it being the policy of the general assembly to provide for the independent auditing of the accounts and financial transactions of all spending agencies of the state through a disinterested auditor, who is entirely independent of the state administration whose affairs he is called upon to audit.

(2) The auditor shall:

(a) Audit annually, and at such other times as may be deemed expedient, the accounts of all state agencies, all private and semiprivate agencies receiving state aid or having responsibility for the handling of any state funds, the accounts, records and transactions of the budget units, and the general accounts of the state.

(b) Make a complete audit and verification of all moneys handled for the account of the state government by local officials charged with the collection of fees or other money for or on behalf of the state, when such an audit is demanded in writing by the legislative research commission, the commissioner of the Executive Department for Finance and Administration or the governor, and may make such an audit when it is not so demanded.

(c) Examine annually the management, conduct and condition of all asylums, prisons, feeble-minded and eleemosynary institutions and public works owned, operated or partly owned by the state, or in the conduct or management of which the state has any financial interest or legal power, giving special attention to the faithful and economical application of any money appropriated by the state to the institution or public works examined, or of any money in which the state has an interest.

(d) Examine annually the management and condition of the offices of the Executive Department for Finance and Administration, the state treasurer and the superintendent of public instruction, to determine whether the laws regulating their duties are being fully complied with, and all money received by them for the state fully accounted for.

(e) Audit periodically all state revenue collections, and, if he finds that collections are not being satisfactorily made, report that fact to the authority whose duty it is to make such collections.

(f) Make special audits and investigations when required by the governor.

(g) Investigate the means of accounting for, controlling and insuring the safe custody of all property of the state, and verify the existence and condition of such property charged to, or held in the custody of any state agency.

(h) Audit the statements of financial condition and operations of the state government, examine the estimates of resources available for appropriation and the estimates of receipts prepared for inclusion in each biennial budget report, and certify in writing the results of such audit and examination with such comments as he deems necessary for the information of the general assembly, his certificate and comments to be included with the statements and estimates as presented in the budget reports.

(i) Report immediately in writing to the governor, each member of the legislative research commission, and the commissioner of the Executive Department for Finance and Administration, any unauthorized, illegal, irregular or unsafe handling or expenditure of state funds, or other improper practice of financial administration, or evidence that any such handling, expenditure or practice is contemplated, and any obstruction of the auditor or his agents during the conduct of any audit or investigation of a state agency.

(j) Assist the legislative research commission at hearings and investigations conducted by it and cooperate with the legislative research commission in the preparation of its reports to the general assembly.

(k) Keep accounts showing the costs of his own operations and of each separate audit and investigation made by him, and such accounts as he deems necessary to provide a record of warrants of the state outstanding as of the end of each calendar month.

(3) The auditor may investigate and examine into the conduct of all state and county officers who are authorized to receive, collect or disburse any money for the state, or who manage or control any property belonging to the state or in which the state is interested, or who make estimates or records that are used as a basis by any state agency in the disbursement of public funds.

(4) The auditor shall not be responsible for the keeping of any accounts of the state, except accounts relating to his own operations, and records of outstanding warrants. He shall not be responsible for the collection of any money due the state, or for the handling or custody of any state funds or property except in the process of counting and verifying the amounts of such funds or property in the course of the audits provided for in this section.

*(5) Notwithstanding any other provision of law, any agency which is the subject of any audit, examination or investigation required by this section shall bear the actual costs incurred by the auditor of public accounts or his agent in any such audit, examination or investigation. The auditor shall bill the agency within a reasonable time after the report of any audit, examination or investigation has been submitted as required by law and the agency shall pay the bill and settle the transaction immediately as provided by KRS 45.300(4) and any regulations promulgated thereunder by the executive department for finance and administration. Any controversy over the amount of the bill shall be submitted and decided in accordance with KRS 43.070(4).*

Section 2. KRS 43.070 is amended to read as follows:

(1) To determine whether any unauthorized, illegal, irregular, or unsafe handling or expenditure of revenue or other improper practice of financial administration has occurred and to assure that all proper items have been duly charged, taxed, and reported, the auditor shall audit annually:

(a) The funds contained in each county's budget; and

(b) The books, accounts, and papers of all county clerks, circuit clerks, county judges, county attorneys, sheriffs, jailers, coroners, constables, and justices of the peace exercising criminal jurisdiction; provided, however that the auditor shall not conduct such an audit if the elected official notifies the auditor that he has employed a certified public accountant to audit the books, accounts, and papers of his office.

(2) The county shall bear [one-half (1/2) of the actual expense of the audit conducted pursuant to paragraph (a) of subsection (1) of this section and shall bear] the total actual expense of the audit conducted pursuant to [paragraph (b) of] subsection (1) of this section.

(3) Within a reasonable time after the completion and distribution of the audit reports authorized by subsection (1) of this section, the auditor of public accounts shall bill the county for the expenses incurred pursuant to subsection (2) of this section. A copy of this bill shall be forwarded to the commissioner of the

executive department for finance and administration. If the amount billed has not been paid within ninety (90) days from date of billing, the auditor shall notify the commissioner of the executive department for finance and administration and the commissioner of revenue who shall cause said amount to be deducted from the next payment or return of moneys provided by KRS 47.110 and 431.110 by the state to the county or counties. Deductions shall continue until the total amount due the auditor's office has been paid. All moneys received pursuant to this section shall be credited to the trust and agency account of the auditor of public accounts.

(4) Any controversy over the amount of the bill for the actual expenses incurred shall be submitted to the commissioner of the executive department for finance and administration and the state treasurer for a decision as to the proper amount. In the event that these two (2) arbitrators fail to agree, then the controversy shall be submitted to the attorney general, whose decision shall be final.

The Committee Amendment to **HB 350** is as follows:

Amend printed copy of House Bill 350 on page 5, line 1, before "agency" insert "state"

and on page 5, line 5, after "the" and before "agency", insert "state"

and on page 5, line 8, after "the" and before "agency", insert "state"

**HB 497,** AN ACT relating to acquisition of land for industrial development.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 152.850 is amended to read as follows:

Notwithstanding any other provision or section of KRS 152.810 to 152.930, no governmental unit shall have the power to condemn property under KRS 152.810 to 152.930 unless the governmental unit has first given proper public notice as required by law stating the specific purpose for which the property to be condemned shall be used and said purposes shall be pleaded and proved in such condemnation action. [The property shall be developed within a period of five (5) years pursuant to the purpose stated, and the failure of the authority to so develop shall entitle the person or persons whose property was condemned to repurchase the property at the price the authority paid to the governmental unit for the same. The person from whom the land is taken by condemnation shall have the right to re-acquire the land as aforementioned by application to the court of competent jurisdiction, if such procedure be necessary, and shall be entitled to recovery of his costs and reasonable attorney's fees necessary to re-acquire said land.]

**HB 565,** AN ACT relating to the Kentucky Department of Commerce.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 152.020 is amended to read as follows:

(1) There is hereby created an agency of the state government to be known as the department of commerce, which shall constitute a department of the state government within the meaning of KRS chapter 12. The department shall consist of a commissioner [, an economic development commission] and such administrative bodies and employes as are provided by law.

(2) The department, subject to the provisions of KRS 12.010 to 12.190, shall be organized into a division devoted to industrial development, a division devoted to research and planning, a division devoted to community services, *a division devoted to commercial development, a division devoted to development of minority business enterprise, a division devoted to international trade and reverse investment* and such other divisions and sections as are from time to time deemed necessary for the proper and efficient operation of the department.

(3) The executive officer of the department shall be the commissioner of the department of commerce. *The commissioner* [He] shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. *The commissioner* [He] shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the *secretary of the development cabinet and the* commissioner of the Executive Department for Finance and Administration, when such contracts are deemed necessary to

implement and carry out the program of the department. [He shall reimburse the travel expenses of the commission.]

Section 2. KRS 152.060 is amended to read as follows:

(1) The department shall [prepare and publish as often as is deemed necessary an inventory of the human and natural resources of the commonwealth; and shall] assemble and keep in the offices of the department such information relating to natural resources, industrial sites, labor supply, water, fuel, power, wage rates, taxation and assessments, transportation and communication facilities and such other information as may be useful in executing the provisions of KRS 152.010 to 152.080. Such information shall be made available to any enterprise which, in the discretion of the commissioner, is legitimate and which contemplates location or operation within the commonwealth. Such information shall, in the discretion of the commissioner, be made available to any governmental or private agency interested in securing the location or operation of any such legitimate enterprise within the commonwealth.

(2) The department shall obtain from enterprises interested in locating and operating within the commonwealth information relating to the nature of the enterprise, its financial responsibility, manpower requirements, probable consumption of raw materials and such other information as may be useful in securing the location of such enterprise in the commonwealth [, and shall make such information available to any agency interested in securing the location or operation of such enterprises within the commonwealth].

(3) The department shall be the primary *industrial and commercial* [economic] development agency of the commonwealth of Kentucky in matters relating to the private sector of the state's economy. The department shall carry out programs relating to industrial and commercial development, research and planning, community services, *minority business enterprise, international trade and reverse investment,* and other programs designated by the governor.

Section 3. KRS 152.070 is amended to read as follows:

The department shall prepare and publish, or cause to be prepared and published, maps, economic and industrial resources surveys of the state and *of* individual communities *and areas,* [surveys pertaining to soil conditions, land use, distribution of population, adequacy of educational facilities, adequacy of highway, rail, air and water transportation, water supply, drainage, flood control, sewerage,] directories of manufacturers, exporters, *and* industrial services [and research facilities], [natural resources] surveys as related to *natural resources and* industrial and commercial needs, studies of agri-business opportunities, surveys of forestry industries potential, studies of industrial site characteristics, [availability and potential needs,] and other matters relating to the [physical and] economic [, industrial and commercial] development of the commonwealth *as it shall deem necessary and advisable.*

Section 4. KRS 152.080 is amended to read as follows:

The department, *as it deems necessary and advisable,* is authorized to:

(1) Consult with agencies of the state, federal and local government in order to coordinate development programs and plans and to articulate agriculture, industry, and commerce in the light of the needs of particular localities;

(2) Make studies of land utilization so as to determine areas suitable for industrial and commercial development;

(3) Make studies and projections and publish information relating to the [physical,] economic [, industrial and commercial] development of the commonwealth and make appropriate recommendations to the governor and the general assembly.

(4) Establish and maintain development offices in out-of-state centers of industrial and commercial management.

(5) Place advertising in appropriate media promoting Kentucky's resources and locational advantages for industrial and commercial enterprises.

**HB 639,** AN ACT relating to administrative reorganization.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 12.020 is amended to read as follows:

Departments, Program Cabinets (and their Departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or executive order.

I. Departments headed by elected officers.
1. The Governor.
2. Lieutenant Governor.
3. Department of State.
(a) Board of Elections.
4. Department of Law.
(a) Consumers Advisory Council.
5. Department of the Treasury.
6. Department of Agriculture.
(a) State Board of Agriculture.
(b) Milk Marketing and Antimonopoly Commission.
7. Department of Education.
(a) State Board of Education.
(b) State Textbook Commission.
8. Auditor of Public Accounts.
9. Railroad Commission.
II. Cabinet Departments headed by appointed officers:
1. Executive Department for Finance and Administration.
(a) State Property and Buildings Commission.
(b) Turnpike Authority of Kentucky.
(c) Capitol Plaza Authority.
(d) Kentucky Housing Corporation.
(e) Kentucky Pollution Abatement Authority.
(f) Kentucky Health and Geriatric Authority.
(g) Kentucky Savings Bond Authority.
(h) County Debt Commission.
*(i) Board of Claims.*
*(j) Crime Victims Compensation Board.*
2. Department of Transportation.
(a) Railroad Commission.
(b) Motor Vehicle Dealers Board.
3. Department for Natural Resources and Environmental Protection.
(a) Environmental Quality Commission.
(b) Soil and Water Conservation Commission.
(c) Ohio River Sanitation Commission.
4. Department of Justice.
(a) Kentucky Crime Commission.
(b) Parole Board.
(c) Kentucky Law Enforcement Council.
(d) Judicial Training Council.
(e) Commission on Corrections and Community Service.
(f) State Police Personnel Board.
5. Department for Human Resources.
(a) Citizens Commission for Human Resources.
(b) Advisory Council for Medical Assistance.
(c) Unemployment Insurance Commission.
(d) Certificate of Need and Licensure Board.
(e) Generic Formulary Council.
Cabinet for Development.
Department of Agriculture (headed by elected officer).
6. Department of Commerce.
(a) Economic Development Commission.
(b) Kentucky Industrial Development Finance Authority.
(c) Kentucky Science and Technology Commission.
7. Department of Fish and Wildlife Resources.
(a) Fish and Wildlife Resources Commission.
8. Department of Parks.
(a) Breaks Interstate Park Commission.
9. Kentucky Historical Events Celebration Commission.

10. State Fair Board.
11. Kentucky Geological Survey.
Cabinet for Education and the Arts.
12. Kentucky Arts Commission
Department of Education (headed by elected officer).
13. Kentucky Authority for Educational Television.
14. Kentucky Heritage Commission.
15. Kentucky Historical Society.
16. Department of Library and Archives.
(a) State Archives and Records Commission.
(b) State Board for Certification of Librarians.
17. Advisory Council for Vocational Education and Manpower Development and Training.
Cabinet for Public Protection and Regulation.
18. Department for Alcoholic Beverage Control.
(a) Alcoholic Beverage Control Board.
19. Department of Banking and Securities.
20. Department of Insurance.
(a) Custodian of Insurance Securities.
21. Department of Labor.
(a) Workmen's Compensation Board.
[(b) Board of Claims.]
*(b)* [(c)] Occupational Safety and Health Standards Board.
22. Department of Mines and Minerals.
23. Kentucky Registry of Election Finance.
24. Public Service Commission.
25. Kentucky Quarterhorse and Appaloosa Commission.
26. Kentucky State Racing Commission.
27. Kentucky Trotting Commission.
28. Kentucky Board of Tax Appeals.
III. Other Departments headed by appointed officers:
1. Department of Military Affairs.
2. Department of Personnel.
(a) Personnel Board.
3. Department of Public Information.
4. Department of Revenue.
5. Human Rights Commission.
6. Council on Public Higher Education.
7. Teachers' Retirement System.
8. Kentucky Employees' Retirement System.
9. Commission on Women.
10. Kentucky Tobacco Research Board.

Section 2. KRS 44.070 is amended to read as follows:

(1) A board of claims, composed of the members of the *crime victims compensation* [workmen's compensation] board as hereinafter provided, is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the commonwealth, any of its departments or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the commonwealth or any of its departments or agencies; Provided, however, regardless of any provision of law to the contrary, the commonwealth, its departments and agencies, and its officers, agents and employes, while acting within the scope of their employment by the commonwealth or any of its departments or agencies, shall not be liable for pain or suffering, and compensation shall not be allowed, awarded, or paid for pain or suffering. Except as *herein* [hereinafter] provided the board shall be independent of all agencies and departments of the commonwealth except as provided in KRS 44.070 to 44.160.

(2) The board shall be composed of *the members of the crime victims compensation board* [five (5) attorneys who are members of the workmen's compensation board and who have been appointed and hold office under the provisions of KRS 342.215 and 342.220]. The members shall not be entitled to additional compensation for their services on the board of claims.

(3) The governor shall designate a member of the board to serve as chairman for a term of four (4) years. Any vacancy in the chairmanship shall be filled by the governor. No member shall, at the same time, serve as chairman of the *crime victims compensation* [workmen's compensation] board and as chairman of the board of claims.

(4) The [executive secretary, referees and] employes of the *crime victims compensation* [workmen's compensation] board, without additional compensation, shall be ex-officio the [executive secretary, referees and] employes [respectively] of the board of claims.

(5) Regardless of any provision of law to the contrary, the jurisdiction of the board is exclusive, and a single claim for the recovery of money or a single award of money shall not exceed twenty thousand dollars ($20,000), exclusive of interest and costs.

*(6) The governor shall appoint the necessary number of hearing officers each of whom shall be an attorney admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. These officers, upon the direction of the chairman or the board shall conduct hearings, and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the chairman or the board except that such hearing officers shall not render final decisions, orders, or awards. However, such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.*

*(7) The board may at any time recommend the removal of any hearing officer upon filing with the governor a full written statement of its reasons for such removal.*

**HB 643,** AN ACT relating to the auditor of public accounts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 43.030 is amended to read as follows:

(1) The auditor shall appoint for the duration of his own term, subject to removal by him at any time, one (1) assistant auditor of public accounts, who shall be a certified public accountant and who has been a citizen and resident of the state for at least two (2) years. The assistant auditor shall have direct supervision over all technical work and technical assistants, and shall otherwise aid the auditor in the performance of his duties. If the auditor is absent or is rendered incapable of performing his duties, or if a vacancy in the office occurs, the assistant auditor shall perform the duties of auditor until the necessity therefor ceases to exist. He shall take the constitutional oath.

(2) The auditor may employ other subordinate personnel subject to the provisions of KRS 12.060. All employes who are assigned any direct auditing or investigating responsibility (except for the secretary to the auditor and for clerks classified under the classification and compensation plan now prescribed by the department of personnel at not above grade 5 working under continuous on-the-job supervision) shall be graduates of four (4) year colleges or universities fully accredited by the University of Kentucky. Each employe shall have at least 20 semester or 30 quarter-hours of accounting or, alternatively, shall be a certified public accountant. Not more than two (2) persons charged with the conduct of audits and investigations may substitute year-for-year responsible accounting experience acceptable to the department of personnel for the required college education and proportionately for the specified accounting. [The auditor may not use the services of independent contractors in audit and investigation work.]

(3) The auditor and his sureties are liable on his official bond for the acts of the assistant auditor and clerks.

(4) Nothing in this section shall be deemed to affect the provisions of KRS 11.090 or other legislation authorizing audits.

Section 2. KRS 64.810 is amended to read as follows:

(1) Any county clerk, circuit clerk, county judge, county attorney, sheriff, jailer, coroner, constable, or justice of the peace exercising criminal jurisdiction shall have the right to employ a certified public accountant to audit the books, accounts, and papers of his office in lieu of the audit conducted by the state auditor of public accounts required by KRS 43.070.

(2) If said official elects to exercise the right prescribed in subsection (1), then he shall:

(a) [In writing,] *N*[n]otify *in writing by January 15th preceding the year to be audited,* the fiscal court of his county and the state *auditor* [auditor's office] of the name of the certified public accountant employed by said official to audit the books, accounts, and papers of his office; *the auditor shall acknowledge, in writing, receipt of such notification, and approval of the use of the designated independent certified public accountant cannot be withheld unless such certified public accountant fails to conform to standard audit programs established for governmental accounting and other generally accepted accounting procedures as set forth by the Kentucky Board of Accountancy;*

(b) Bear the cost of the audit from funds received or collected by him, and the cost of the audit shall be construed as an expense of his office;

(c) Within a reasonable time after the certified public accountant's examination, submit the accountant's written report to the governor, the general assembly, the attorney general, the county officials' compensation board, the state librarian, the state auditor of public accounts, and the fiscal court and county attorney of his county. In addition, the official shall send the report to a newspaper having general circulation in the county of the official, and the letter of transmittal accompanying the report shall be published in said newspaper in accordance with the provisions of KRS chapter 424.

(3) This section shall not be construed as eliminating the requirement that the books, accounts, and papers of the above named officials be audited yearly. *This section shall not preclude the state auditor from reviewing the reports of the certified public accountant. After preliminary review, should discrepancies be found, nothing in this section shall be construed as precluding the auditor's office from making its own investigative report or audit to verify the findings of the independent certified public accountant's report. If such investigative audit be deemed necessary, the expenses to said county official, as directed by KRS 43.070(2), shall be construed as an allowable expense of that office.*

The Committee Amendment No. 1 to **HB 643** is as follows:

Amend printed copy of House Bill 643 on page 4, line 14, by inserting after the word "*section*" the words "*or in KRS 43.070(b).*"

The Committee Amendment No. 2 to **HB 643** us as follows:

Amend printed copy of House Bill 643 on page 3, lines 6 and 7, by deleting the words "*by January 15th preceding the year*" and by inserting in lieu thereof the words "*within thirty (30) days following the period*"

**HB 696**, AN ACT relating to State Personnel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 18.110 is amended to read as follows:

As used in KRS 18.110 to 18.360, unless the context indicates otherwise:

(1) "Appointing officer" means the officer or employe or group of officers or employes authorized by law to make appointments;

(2) "Board" means the personnel board created by KRS 18.160;

(3) "Certification" means the referral of the name of one or more qualified prospective employes by the commissioner of personnel on request of an appointing officer for consideration in filling a position in the classified service;

(4) "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;

(5) "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18.140; a "classified position" is a position in the classified service;

(6) "Demotion" means a change in the rank of an employe from a position in one (1) class to a position in another class having a lower minimum salary range and less discretion or responsibility;

(7) "Department" means the department of personnel provided for in KRS 18.160 unless the context indicates otherwise;

(8) "Eligible" refers to a person who has made a passing score on any examination required under KRS 18.110 to 18.360 and who has qualified to be placed on a register;

(9) "Emergency employe" means an employe appointed without regard to the examination requirements of KRS 18.110 to 18.360 to any position by reason of a governmental emergency [recognized by the governor], whose appointment is not to exceed thirty (30) working days in duration and is nonrenewable;

(10) "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis;

(11) "Position" means an office or employment in an agency (whether part-time, full-time, *permanent, temporary, seasonal, federally funded time-limited, or emergency,* [temporary or permanent,] occupied or vacant) involving duties requiring the services of one (1) person;

(12) "Probation" means the period of service following appointment to any position under KRS 18.110 to 18.360 which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in KRS 18.210. An employe serving the probationary period is known as a "probationary employe";

(13) "Promotion" means a change of rank of an employe from a position of one (1) class to a position of another class having a higher minimum salary and carrying a greater scope of discretion or responsibility;

(14) "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under KRS 18.110 to 18.360 without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in KRS 18.210;

(15) "Re-employment list" means the separate list of names of persons reduced in force by reason of lack of appropriations, curtailment of program or abolishment of position or of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment. Re-employment lists are used as provided in KRS 18.210;

(16) "Register" means any official list of eligibles for a particular class placed in rank order according to the examination records, maintained for use in making original appointments or promotions to positions in the classified service;

(17) "Status" means the acquisition of tenure with all rights and privileges appertaining thereunto after satisfactory completion of the probationary period by an employe in the classified service;

(18) A "temporary position" is one created for a defined period of time not to exceed six (6) months [in any event] and not renewable; a "temporary employe" is one (1) appointed to such temporary position [, either from an existing pertinent eligible list or without reference to an eligible list]. A "seasonal position," although temporary in duration in the foregoing sense coincides in duration with a particular season or seasons of the year and may recur regularly from year to year; a "seasonal employe" is one (1) appointed to such a seasonal position from an existing eligible list or without reference to an eligible list;

*(19) A "federally funded time-limited position" is one created for the specific purpose of providing public service employment for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided. A "federally funded time-limited" employe is one appointed to such position and, except as provided in KRS 18.140, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in this Act;*

*(20)*[(19)] "Transfer" means a movement of any employe from one (1) position to another of the same grade having the same salary ranges and the same level of responsibility within the classified service;

*(21)*[(20)] A "war veteran" is a person who served on active duty in the United States armed forces during any war, or in a campaign or expedition for which a campaign badge or service medal has been authorized, or between April 28, 1952, and July 1, 1955.

Section 2. KRS 18.140 is amended to read as follows:

(1) The classified service to which KRS 18.110 to 18.360 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The general assembly and employes of the general assembly including the employes of the legislative research commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staffs of the governor, [and] the lieutenant governor, *the office of state planning, and the office of the secretary of the governor's cabinet*;

(e) Heads of departments, including those appointed by boards and commissions except as provided in KRS 18.130;

(f) One (1) principal assistant or deputy for each head of a department except as provided in KRS 18.130;

(g) One (1) additional principal assistant or deputy, or other major assistants as may be necessary for making and carrying out policy, for each head of a department in those instances in which the nature of the functions, size or complexity of the agency involved are such that the personnel board may approve such an addition or additions on petition of the department head approved by the commissioner of personnel;

(h) Division directors, except as provided in KRS 18.130, subject to the provisions of KRS 18.150;

(i) Physicians employed as such in institutions for treatment of patients with mental illness or tuberculosis;

(j) One (1) private secretary for each head of a department and for each principal assistant or deputy not included in the classified service;

(k) The judicial department, referees, receivers, jurors, and notaries public;

(l) Officers and members of the staffs of state universities and colleges and student employes of such institutions, provided that said institutions shall establish and implement a personnel system embodying the principles in KRS 18.110 to 18.360 applicable to faculty members and staff; and officers, teachers, and employes of local boards of education;

(m) Patients or inmates employed in state institutions;

(n) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the general assembly, or a committee thereof, or by authority of the governor;

(o) Seasonal, *temporary,* and emergency employes;

*(p) Federally funded time-limited employes;*

*(q)* [(p)] Officers and members of the state militia;

*(r)* [(q)] Peace officers in the department of justice, Provided that said department shall maintain a personnel system embodying the principles herein applicable to peace officers;

*(s)* [(r)] University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner*;* [.]

*(t) Superintendents of state penal and correctional institutions as referred to in KRS 196.180(2);*

*(u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311.*

(2) Nothing in KRS 18.110 to 18.360 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and KRS 150.061.

(3) *Nothing* [Provided, however, that nothing] herein is intended or shall be construed to affect any *nonmanagement, nonpolicy-making* position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(4) Classified employes with status promoted to positions exempted from classified service may, upon termination of their employment in the exempted service, revert to their classified status, but not necessarily to a particular position in the classified service.

(5) Nothing herein shall be construed as precluding appointing officers from filling nonclassified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.

SECTION 3. A NEW SECTION OF KRS CHAPTER 18 IS CREATED TO READ AS FOLLOWS:

The responsible departmental, board, commission or agency head shall periodically evaluate the duties of those division directors or heads placed under the merit system pursuant to the provisions of KRS 18.150, and shall determine whether the duties of such directors or heads have become policy making in their nature. If it is determined that the duties of such directors and heads are policy making, the responsible agency head shall certify that fact to the personnel board. At the time of certification, notice thereof shall be given to the interested division director or head in a form of a copy of the statement certifying the policy making duties of his office. The board may conduct such hearings as it may deem necessary, and shall conduct hearings pursuant to the administrative provisions of KRS 18.270 in the event of a difference of opinion between the certifying officer and the interested division director or head, before entering its findings of fact and an order either removing the position from the merit system or retaining it within the merit system. Either the certifying officer or the division director or head may appeal the findings of fact and the final order of the board by initiating action in the Franklin Circuit Court pursuant to the provisions of Chapter 418.

Section 4. KRS 18.160 is amended to read as follows:

(1) There shall be created by KRS 18.110 to 18.360 a department of personnel headed by a commissioner who shall be appointed by the governor. There shall also be created a personnel board in which shall be vested the constitutional powers and responsibilities of officers of the commonwealth. The personnel board shall consist of five (5) members appointed by the governor for four (4) year terms, and the governor shall select citizens of Kentucky known for their devotion to the merit principle in government employment and the improvement of management and professional development of the public service of the state. No member of the personnel board shall be otherwise an employe or officer of the commonwealth except faculty or staff members of [the University of Kentucky or] the state universities or colleges. No member of the personnel board shall be a member of any local, state, or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or shall be or have been a candidate for any elective office within one (1) year prior to appointment. Members of the personnel board shall receive compensation of *fifty dollars ($50.00)* [forty dollars ($40.00)] per diem and reimbursements of travel expenses and other special expenses for each called meeting of the board which they attend. If any board member misses three (3) consecutive meetings for any reason other than illness or temporary absence from the commonwealth, he shall be deemed to have vacated his office and the governor shall proceed forthwith to appoint a successor to his unexpired term.

(2) The members of the first board shall be appointed by the governor within thirty (30) days of July 1, 1960. Of the members first appointed, one (1) shall serve until January 1, 1961, one (1) until January 1, 1962, one (1) until January 1, 1963, and two (2) until January 1, 1964. Thereafter, each term shall run for four (4) years from the date of expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Each member of the board shall hold office until his successor is appointed and qualifies.

(3) Members of the personnel board may be removed by the governor only for cause after being given a copy of charges against them and an opportunity to be heard publicly, with the advice of counsel, on such charges against them before the governor and a finding of fact by the governor. A copy of the charges and transcript of the record of the hearing and findings of fact shall be filed with the secretary of state.

(4) The personnel board shall annually elect one (1) of its members chairman. It shall meet at such time and place as shall be specified by call of the chairman or the commissioner of personnel. At least one (1) meeting shall be held each month. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the commissioner of personnel at least three (3) days in advance of the meeting. Three (3) voting members shall constitute a quorum for the transaction of business. The personnel board shall keep records and minutes of its business and official actions, with the commissioner of personnel serving as secretary. Such minutes shall be public records open to public inspection, subject to such reasonable rules as to hours and conditions of inspection as the board may establish. It shall be the duty of the officer or officers charged by law with the custody of the state buildings, upon written request of the personnel board, to assign suitable office space for executing the duties charged to it and to the commissioner of personnel.

Section 5. KRS 18.210 is amended to read as follows:

The commissioner of personnel shall prepare and submit to the personnel board proposed rules for the classified service. Such rules shall have the force and effect of law, when approved by the board, after public notice and public hearing, and after filing with the legislative research commission in accordance with KRS chapter 13 and procedures adopted thereunder. If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the board, the commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner of personnel a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the commissioner of the executive department for finance and administration. The plan shall take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(5) For the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the personnel board for a period not to exceed one (1) additional year;

(6) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience, or who have been

guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(7) For the appointment of a person whose score is included in the *five (5)* [three (3)] highest scores earned on the examination;

(8) For a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. *Unless the appointing authority notifies the employe prior to the end of the probationary period that the employe's services are not satisfactory, the employe shall have status in the classified service. The notice shall be in writing and as provided by personnel rules;* [The appointing authority shall, within thirty (30) days prior to the expiration of an employe's probationary period, notify the commissioner in writing whether the probationary employe is recommended for permanent status. Only if the appointing authority certifies to the satisfactory nature of the probationary employe's services, shall permanent status be conferred;]

(9) For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(10) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

(11) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(12) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part;

(13) For developing, in cooperation with the appointing authorities, uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(14) For lay-offs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off, giving consideration in both lay-offs and re-employment to qualifications, performance records, conduct and seniority in service;

(15) For imposition as disciplinary measures of a fine of not more than ten (10) *working* days' pay or for suspension from the service without pay for not longer than thirty (30) *working* days; *and for the manner of notification of the employe of the discipline and his right of appeal;*

(16) For discharge or reduction in rank or grade only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner;

(17) For establishment of a plan for resolving employe grievances and complaints;

(18) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in KRS 18.170(2);

(19) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(20) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(21) For such other rules and administrative regulations not inconsistent with KRS 18.110 to 18.360, as may be proper and necessary for its enforcement.

Section 6. KRS 18.212 is amended to read as follows:

(1) An honorably discharged war veteran shall have five (5) points added to his score on his entrance examination for merit system positions.

(2) Any honorably discharged war veteran whom the veterans administration benefit rating board determines has service-connected disabilities shall have ten (10) points added to his entrance examination score.

(3) Veterans *and the spouses, widows, widowers, and parents of veterans shall be*[, their wives, widows, and mothers are] eligible for preference points only after passing an appropriate examination.

(4) The spouse of a veteran of the armed forces of the United States who would be eligible for a ten (10) point preference, and whose service-connected disability disqualifies him for positions along the general line of his usual occupation shall be entitled to a ten (10) point preference. In such a case, the spouse loses the right to preference if the disabled veteran recovers. Also, if the veteran's military service was peacetime service, his spouse loses the right to preference if he dies.

(5) Until his spouse remarries, the surviving spouse of an honorably separated veteran who served on active duty during any war, or during the period April 28, 1952, through July 1, 1955, or in a campaign or expedition for which a United States campaign badge or service medal was authorized shall be entitled to a ten (10) point preference. This includes the surviving spouse of a person meeting any of these service requirements who died while in the armed forces, unless the circumstances surrounding his death would have been cause for other than honorable separation.

(6) A parent totally or partially dependent on a veteran who lost his life under honorable conditions while on active duty in a war or in a campaign or expedition for which a campaign badge or service medal has been authorized, or during the period April 28, 1952, through July 1, 1955, or who became permanently and totally disabled because of a service-connected disability, shall be entitled to a ten (10) point preference.

Section 7. KRS 18.220 is amended to read as follows:

*(1) The commissioner of personnel shall prepare and submit proposed rules to the governor for employes in non-merit system positions enumerated in paragraphs (f), (g), (h), (i), (j), (o), (t), and (u) of KRS 18.140(1). Such rules shall become effective after approval by the governor and promulgation in accordance with KRS Chapters 12 and 13. The rules shall provide:* [The commissioner of personnel shall prepare and submit to the governor proposed rules for the unclassified service persons in positions enumerated in paragraphs (f), (g), (h), (i), (j), and (o) of subsection (1) of KRS 18.140. Such rules shall be approved by the governor and promulgated according to KRS chapters 12 and 13. The rules shall provide:]

*(a)* [(1)] For the preparation, maintenance and revision of a position classification plan for all *aforementioned* positions in the unclassified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification plan has been approved by the governor, the commissioner shall allocate the positions of every employe in the unclassified service to one (1) of the classes of the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner of personnel a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

*(b)* [(2)] For a pay plan for all *aforementioned* employes in the unclassified service, after consultation with appointing authorities and the commissioner of the executive department for finance and administration, and taking into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the commissioner of personnel through the commissioner of the executive department for finance and administration. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed;

*(c)* [(3)] For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

*(d)* [(4)] For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in KRS 18.170(2);

*(e)* [(5)] For the development and operation of programs to improve the work effectiveness and morale of employes in the unclassified service, including training, safety, health, welfare, counseling, recreation, and employe relations;

*(f)* [(6)] For such other rules and administrative regulations, not inconsistent with KRS 18.110 to 18.360, as may be proper and necessary for its enforcement.

*(2) Nothing herein shall be construed to preclude the optional use of rules promulgated under this section on behalf of employes enumerated in paragraphs (a), (d), and (p) of KRS 18.140.*

Section 8. KRS 18.270 is amended to read as follows:

Any classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service may, within thirty (30) days after such dismissal, demotion, suspension or penalization appeal to the personnel board for review thereof. Upon such review, both the appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply. If the personnel board finds that the action complained of was taken by the appointing authority *in violation of laws prohibiting favor for, or discrimination against, or bias with respect to his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex or age* [for any political, religious, or ethnic reason], the appointing authority shall not later than *thirty* (30) days after receipt of such findings and recommendations reinstate the employe to his former position or a position of like status and pay, without loss of pay for the period of his suspension. In all other cases, the findings and recommendations of the personnel board shall be submitted to the appointing authority for his consideration, who may, not later than thirty (30) days after receipt of such findings and recommendations, reinstate the employe with or without pay for the period of the suspension, modify his original decision of suspension, demotion, or discharge, or continue his original decision. When any employe is dismissed and not reinstated after such appeal, the personnel board in its discretion may direct that his name be placed on an appropriate re-employment list, for employment in any similar position other than the one from which he had been removed.

Section 9. KRS 18.310 is amended to read as follows:

(1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified services because of his political or religious opinions or affiliations or ethnic origin *or sex. No person between the ages of 40 and 65 shall be discriminated against because of age.*

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.

(3) No employe in the classified service or member of the personnel board or commissioner shall, directly or indirectly, pay or promise to pay any assessment for political purposes, or solicit or take any part in soliciting for any political party, or solicit or take any part in soliciting any political assessment, subscription, contribution, or service. No person shall solicit any political assessment, subscription, contribution, or service of any employe in the classified service.

(4) No employee in the classified service shall be a member of any national, state, or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Officers or employes of the classified service may be candidates for and occupy a town or school district office if the office is one for which no compensation is provided and the election is on a nonpartisan basis.

Section 10. KRS 18.320 is amended to read as follows:

(1) No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of KRS 18.110 to 18.360 or in any manner commit or attempt to commit any fraud preventing the impartial execution of KRS 18.110 to 18.360 and the rules, regulations or orders thereunder.

(2) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

(3) No employe of the department, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under KRS 18.110 to 18.360, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

*(4) No person shall make any false statement, record or report regarding hours, days, or other time worked by any employe. No person shall falsely prepare any payroll document or record relating to the pay for any employe.*

Section 11. KRS 18.410 is amended to read as follows:

(1) The commissioner of finance and administration, upon the recommendation of the commissioner of personnel, may procure from one or more life insurance companies, or from one or more hospitalization insurance companies, authorized to do business in this state, a policy or policies of group life insurance insuring the lives of all or any class or classes of state employes, or may procure a policy or policies of group hospitalization insurance covering all or any class or classes of state employes. The policy or policies shall be approved by the commissioner of insurance and may contain such provisions as he approves whether or not otherwise permitted by the insurance laws. It is intended that life insurance and hospitalization insurance may be made available for state employes, except that the procuring of each is permissive.

(2) The term "state employe," for purposes of KRS 18.410 to 18.440, shall mean a person who is regularly employed by any department, board, agency or branch of state government, and who is also a contributing member of any one of the retirement systems administered by the state *provided, however, that any federally funded time-limited employe may receive insurance coverage.*

(3) The term "premiums," for the purposes of KRS 18.410 to 18.440, shall mean premiums to be paid on any type of insurance authorized under KRS 18.410 to 18.440.

Section 12. KRS 287.012 is amended to read as follows:

The governor shall appoint as commissioner of banking and securities a *person knowledgeable in banking* [practical banker with not less than five (5) years' banking experience. For this purpose, "banking experience" means service as an executive in a state bank in a grade not lower than cashier, or service as a deputy commissioner or examiner in the department of banking and securities or in the former division of banking of Kentucky, or as director of former division of banking, or as former commissioner of banking].

Section 13. KRS 351.060 is amended to read as follows:

(1) The commissioner of the department of mines and minerals shall be a citizen of Kentucky *and* [with at least fifteen (15) years mining experience, ten (10) years of which shall have been in and about the mines of this state. He] shall be thoroughly familiar with all methods of safety pertaining to the operation of mines.

(2) The commissioner shall have a practical knowledge of:

(a) The different systems of working and ventilating coal mines.

(b) The nature, chemistry and properties of noxious, poisonous and explosive gases, the dangers due to such gases and the prevention of such dangers.

(c) The dangers incident to blasting and the prevention of such dangers.

(d) The methods for the management and extinguishment of mine fires.

(e) The methods for rescue and relief work in mine disasters.

(f) The application of electricity in mining operations.

(g) The application of mechanical loading in mining operations.

(h) The equipment and explosives manufactured for use in coal mines.

(i) The mechanical features of mine scales and the methods used in properly inspecting and testing such scales.

(j) The methods used in locating oil and gas wells when drilled through any coal seam.

(k) The proper manner of drilling and plugging oil and gas wells.

(l) Mining engineering.

(m) The methods for the prevention of explosions in mines due to gas or dust.

(3) The commissioner shall be capable of efficiently reporting on any proposed development in mining operations or the possibility of operating any coal seam.

Section 14. Whereas, the Commonwealth is presently engaged in a dispute with the federal government over the classification of certain federally funded positions in state government, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the governor.

The Committee Amendment to **HB 696** is as follows:

Amend printed copy of House Bill 696 on page 28, line 11, by inserting a "]" after the word "banker";

and on page 28, line 13, by inserting "[]" around the word "state" and after the word "bank" by inserting the words "*located in Kentucky*";

and on page 28, line 18, by deleting the "]" after the word "banking".

**HB 700,** AN ACT relating to the provision of municipal services at the seat of state government.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

The executive department for finance and administration, within budgetary limits fixed by any appropriations made by the general assembly for such purpose, shall contract with the city of Frankfort for the provision by the city to state agencies located at the seat of government for fire and police protection of state-owned property and other municipal services as are provided by the city to commercial and industrial taxpayers resident in the city of Frankfort.

**HB 712,** AN ACT relating to health care malpractice claims.

WHEREAS, there currently exists a crisis in the medical center of the University of Kentucky in the area of the cost and availability of health care malpractice liability insurance; and

WHEREAS, this crisis has made it extremely difficult for said medical center to attract and retain qualified professional personnel to provide quality health care and to teach, train and educate students enrolled in its educational institution in the skills of rendering medical care; and

WHEREAS, by reason of the foregoing the ability of the aforesaid medical center to perform its public functions and to render the public service for which it was created is in serious jeopardy; and

WHEREAS, the general assembly recognizes that the quality of education offered by the medical center of said university and the quality of the health care rendered to patients by said medical center and hospital staff members of the University of Kentucky are all matters that affect the health of the people of the state of Kentucky, and that the authorization of the creation of a basic coverage compensation fund by said university for its benefit with funds derived by it from sources other than general tax revenues of the state, and the providing of loans to said fund by the state, when and if necessary to pay health care malpractice claims, is for a public purpose and within the province of the commonwealth; and

WHEREAS, unless legislative action is taken to alleviate this crisis, the quality of education offered and furnished by the aforesaid medical center and the quality of health care furnished at the hospital that is staffed by the faculty of the medical center of the University of Kentucky will be substantially reduced, all of which will have a materially adverse effect on the public health of the people of this state;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

It is the purpose of this Act to promote the health and general welfare of the people of the commonwealth by authorizing the University of Kentucky to establish from its own funds other than general tax revenues a basic coverage compensation fund to assure itself that health care malpractice claims or judgments against itself, or its agents will be satisfied. Such purpose is hereby declared to be a public purpose for which public funds may be expended.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) "Basic coverage compensation fund" means the fund which may be established by the University of Kentucky for the purpose of paying claims or judgments for personal injury or death to patients resulting from any tort or breach of duty based on health care services rendered or which should have been rendered by the University or its agents. This fund shall also include all annual contributions made to the fund by the University together with any loans that may be made to it out of the state treasury from time to time.

(2) "Commissioner" means the commissioner of the executive department for finance and administration.

(3) "Agents" means members of the board of trustees of the university, its faculty, hospital staff, nurses, nurses' aides, volunteer workers, employes and students and all other persons involved in furnishing health care within the scope of their duties or courses of study in connection with the University of Kentucky. Employed physicians and dentists are agents of the University and within the scope of their duties when rendering professional services in emergencies and other special circumstances so long as such services do not constitute private practice for which the physician or dentist derives income.

(4) "University" means the University of Kentucky.

SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) The board of trustees of the university may, at its election, establish a basic coverage compensation fund for the benefit and protection from liability of itself and its agents. Promptly after the board of trustees of said university has elected to establish a basic coverage compensation fund, the university shall pay to the state treasurer the sum of $350,000.00.

(2) Upon receipt of said payment of $350,000.00 the state treasurer shall create a separate account to be designated as the "basic coverage compensation fund, University of Kentucky" and there shall be credited to said fund the initial payment of $350,000.00, all income thereafter earned from the investment of said fund, all contributions thereafter made by the university and all sums loaned to said fund from the state treasury pursuant to the provisions of this Act. Unexpended and unencumbered balances in any fund created hereunder shall be carried forward and be available for expenditure in succeeding fiscal years notwithstanding the provisions of KRS 45.230 or any other provision of the Kentucky Revised Statutes. No portion of said fund shall ever lapse to the general fund and income earned from the investment of funds standing to the credit of said account shall accrue and be credited thereto, notwithstanding the provisions of KRS 41.380 or any other provision of the Kentucky Revised Statutes.

(3) The funds held in any fund created under this Act shall be expended solely in payment of claims for liability arising in favor of any patient from treatment performed or furnished, or treatment that should have been performed or furnished by the university or its agents. The liabilities which said fund shall be created to discharge are all liabilities from acts or omissions to act which may have occurred since July 1, 1975 and which may occur in the future which no entity other than the university and its agents is or will be obligated either by law or contract to pay and discharge.

(4) No settlement shall be made of any claim for personal injury or death to any claimant arising out of the furnishing or failure to furnish medical care by the university and its agents, until and unless the board of trustees of the university, or its duly delegated agent or body has first approved of such settlement. The board of trustees of the university shall also have the right to determine whether or not an appeal shall be taken from any judgment rendered against it or its agents, when such claim is founded upon or arises out of the furnishing or failure to furnish medical care. Provided, however, that if the payment of a settlement or a judgment would involve a loan from the commonwealth under the provisions of subsection (8) of this section or if at the time of any such proposed payment of any settlement or judgment there is in existence an outstanding loan from the commonwealth, then any payment from said fund must also be approved by the commissioner, or his delegate.

(5) Funds held in an account created hereunder may be disbursed by the commissioner only upon the written certification of the university, or its duly designated agent, of the amount to be disbursed and the name of the person or persons to whom such funds shall be paid.

(6) Annual contributions to said fund shall be made by the university in an amount which will be not less than one hundred fifty percent (150%) of the average amounts actually paid in each year on medical malpractice claims for the five (5) years next preceding the making of the annual contribution. Provided, however, that if the university and the commissioner shall at any time in the future mutually determine that an annual contribution in a lesser amount will not impair the adequacy of the fund to satisfy existing and potential health care malpractice claims for a period of one year, then an annual contribution in such lesser amount as may be determined may be made.

(7) The university shall be solely responsible for the investigation and servicing of all claims made against it arising out of medical malpractice and all costs, expenses and fees incurred in the investigation, servicing and defense of all such claims shall be borne and paid by the university.

(8) Claims certified to be paid by the university shall be paid in the order received by the commissioner. If any fund created hereunder shall not at any time have sufficient funds to pay all such claims, claims received after the funds are exhausted shall be paid out of the general fund of the commonwealth upon certification of the obligation by the commissioner. Any such funds drawn from the general fund shall be repaid with interest at the legal rate by the university at the earliest practicable time as determined by the commissioner.

SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

Any fund created hereunder may be terminated upon written application made to the commissioner by the university and a finding by the commissioner that other satisfactory and adequate arrangements have been made by the university to assure that both existing and future health care malpractice claims or judgments against itself will be paid and satisfied. Upon the termination of any fund pursuant to this section, the full amount remaining in said fund upon termination less any outstanding indebtednesses shall promptly be repaid to the university.

SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

The creation of a basic coverage compensation fund pursuant to this Act and the compliance with all other provisions of this Act shall qualify the university as a self insurer under the terms of Section 11(4) of the Act entitled "An Act Relating to Health Care Malpractice Insurance and Claims."

SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

The board of trustees of the University of Kentucky is hereby authorized to take all action that may be necessary to avail itself of the benefits of this Act.

**HR 41,** A RESOLUTION directing the study of the conduct of elections, elective offices, and terms of elective officials.

WHEREAS, the ballot label on voting machines is so crowded that it is difficult for citizens to make intelligent selections during the time allowed by law to remain in the voting booth; and

WHEREAS, there were 668 candidates in Jefferson County at the 1975 general election and special paper ballots had to be utilized for city elections; and

WHEREAS, Judicial and School Ballots are separated from the rest of the ballot and are sometimes overlooked by the voter; and

WHEREAS, election statistics show that there is a large drop off from the percentage of votes cast at the top of the ballot to the votes cast at the bottom of the ballot; and

WHEREAS, Kentucky is one of the few states that conducts state elections every year; and

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission coordinate a study by the Interim Committee System that shall include but shall not be limited to any of the following subjects:

(a) elimination of the crowded ballot label conditions;
(b) review of terms of elective officials;
(c) review of the constitutional provision prohibiting certain office holders from succeeding themselves;
(d) consideration of whether some elective offices should be appointive; and
(e) review of the need for an annual election.

Section 2. That the Legislative Research Commission report to the 1978 General Assembly the findings and recommendations of the study.

**SB 189,** AN ACT relating to the University of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.820 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees consisting of ten competent citizens of Kentucky appointed by the governor; one non-voting member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member. The faculty member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The ten citizen members of the board shall annually elect one of their number to serve as chairman of the board.

(2) To facilitate transition of the University of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms, one (1) of which shall be from a list of three (3) names submitted by the mayor of the city of the first class;

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the University in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms [, one (1) of which shall be from a list of three (3) names submitted by the mayor of the city of the first class];

(d) Three (3) for four (4) year terms [, one (1) of which shall be from a list of three (3) names submitted by the county judge of the county in which the city of the first class is located].

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, and in making such appointments the governor shall observe the requirements relating to nominations by [the mayor of the city of the first class, the county judge of the county in which the city is located, and] the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the representation upon the board as nearly equally as possible between the two (2) leading political parties in this state.

[(4) Whenever, in the judgment of the state commissioner of finance and administration, the total appropriations from the governments of the city of Louisville and Jefferson County shall fall below the level of support existing on July 1, 1970, or below 12 per cent of the combined total of state and local appropriations to the university for more than one (1) city or county budgetary period, the nominating authority of the mayor of the city of the first class and the county judge of the county in which the city is located shall terminate, and the appointments for all trustees, except the one (1) selected from recommendations of the alumni, shall be made directly and exclusively by the governor. Such alteration shall not affect the total number of memberships on the board.]

*(4)* [(5)] Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the commonwealth or any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsection [s] (3) [and (4)] of this section.

*(5)* [(6)] No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

*(6)* [(7)] Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville.

The Committee Amendment to **SB 189** is as follows:

Amend printed copy of Senate Bill 189 on page 2, line 10, by adding after the word "terms" a "[";

and on page 2, line 12, by adding after the word "class" a "]".

**SB 190,** AN ACT relating to the state fair board.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 56.515 is amended to read as follows:

(1) When the department finds that *the purposes of the state fair board and the public purposes of the commonwealth would be promoted by the construction of* buildings and improvements [are needed] on land *in the custody of* [occupied by] the State Fair *Board as defined in KRS 247.140(1)(a)* [and Exposition Center to promote the purposes of the state fair board], it may, in addition to *any* [the] other method [s] prescribed by law, authorize the construction of such buildings and improvements by private capital under a *conveyance and* leaseback agreement *authorized by subsection (2) of this section, or under a mortgage agreement authorized by subsection (3) of this section* [consistent with such purposes].

*(2) The department may convey the fee interest in any of the land described in subsection (1) of this section to a private individual, corporation, or partnership to which such land has been or will be leased, subject to a written agreement by such individual, corporation, or partnership to construct such buildings and improvements and to reconvey the fee interest to the commonwealth subject to a mortgage placed on the fee interest by such individual, corporation, or partnership for the purpose of securing private financing for the construction of such buildings and improvements; provided, however, that such mortgage shall not constitute a general obligation or debt of the commonwealth and that the commonwealth may, in the event of default, redeem the mortgage if it so elects.*

[(2) To accomplish such a plan, the department may convey to a private corporation or individual subject to a contract to construct such buildings and improvements and to reconvey the land, buildings and improvements to the state encumbered by a mortgage to secure a portion of the construction costs, provided the mortgage shall not constitute a general obligation or debt of the commonwealth and that in the event of default, the commonwealth may, if it so elects, redeem the mortgage. Any such authorization shall be made only with the consent of any state agency occupying or using the land and shall be in the name of the commonwealth of Kentucky and shall be signed by the commissioner of finance and the governor and lodged for record in the office of the secretary of state.]

*(3) The department may agree that a private individual, corporation, or partnership to which any of the land described in subsection (1) of this section has been leased may, in order to secure private financing for the construction of such buildings and improvements, have the right to grant against its leasehold interest a first mortgage lien in an amount sufficient to pay fully the costs of the construction of such buildings and improvements, to which all rights of the commonwealth shall be subordinate and inferior; provided, however, that such first mortgage lien shall not constitute a general debt or obligation of the commonwealth.*

*(4) Any agreement made under this section shall be made only with the written consent of the state fair board and the state property and buildings commission and shall be signed in the name of the commonwealth by the commissioner of the executive department for finance and administration and the governor and shall be lodged for record in the office of the secretary of state.*

Section 2. Whereas, the commonwealth is nearing completion of contract negotiations for the construction of a major chain hotel on land covered by this Act, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the governor.

The Committee on Judiciary-Statutes reported **HB 473,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment to **HB 473** is as follows:

Amend printed copy of House Bill 473 page 4, line 1, by inserting after the word "and" and before the word "liability" the following: *a deductible in the amount of two hundred fifty dollars ($250) from*

The Committee on Judiciary-Statutes reported **HB 681, HB 701, HB 708, HB 714, HB 755, SB 121, HB 98,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 681,** AN ACT relating to antenuptial agreements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 371 IS CREATED TO READ AS FOLLOWS:

(1) An antenuptial agreement is a valid and enforceable contract in this state when entered into between a man and a woman or between both or either of them and a third party, when made in consideration of marriage.

(2) The agreement must be written and entered into without fraud, deceit, misrepresentation, concealment, deception, undue influence or anything calculated to deceive, and both contractees must have knowledge of their legal rights and knowledge of the effect the antenuptial agreement will have upon their legal rights.

**HB 701,** AN ACT relating to minerals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 381 IS CREATED TO READ AS FOLLOWS:

In any instrument heretofore or hereafter executed purporting to grant a mineral estate or a right to extract minerals by any manner or method of extraction which does not describe such manner or method in specific and express terms, it shall be deemed that the intention of the parties to the instrument was and is to be that the minerals be extracted only in the manner and utilizing techniques customarily prevailing and which reasonably may have been contemplated by the parties at the time the instrument was executed, unless other manner or method of mineral extraction is expressly, specifically and particularly described in the instrument in clear and convincing terms; and it shall be further deemed that the mineral estate shall be dominant to the surface estate only to that extent.

**HB 708,** AN ACT relating to the treatment and rehabilitation of alcoholics and persons intoxicated or incapacitated.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 222.011 is amended to read as follows:

In this chapter the following words shall, unless the context requires otherwise, have the following meanings:

(1) "Administrator" means the person in charge of the operation of a facility *licensed by the department* , or his designee.

(2) "Alcoholic" means a person suffering from alcoholism.

(3) "Alcoholism" means a medically diagnosable disease characterized by chronic, habitual or periodic consumption of alcoholic beverages resulting in the (a) substantial interference with an individual's social or economic functions in the community, or (b) the loss of powers of self-control with respect to the use of such beverages.

(4) "A person under the influence of drugs" means a person whose powers of self-control have been substantially impaired because of the use of a drug described in KRS chapters 217 and 218A or the federal Controlled Substances Act of 1970, and regulations pursuant thereto.

(5) "Secretary" means the Secretary for Human Resources.

(6) "Department" means the Department for Human Resources.

(7) "Drug addict" means any person whose use of an addictive substance has produced a condition which requires ingestion or injection of the addictive substance, or both, as a means of preventing withdrawal symptoms and of maintaining the individual's state of function.

(8) "Drug dependent person" or "drug abuser" means any person who compulsively and habitually uses drugs to the extent that they injure his health and interfere with his social and economic functioning.

(9) *"Treatment facility"* ["Facility"] means any public or private place, or portion thereof, *licensed by the department* providing services especially designed for the detoxification, treatment or rehabilitation of intoxicated persons or alcoholics.

*(10) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.*

[(10) "Incapacitated" means the condition of an intoxicated person who, by reason of the consumption of intoxicating liquor is:

(a) Unconscious,

(b) In need of medical attention,

(c) Likely to suffer or cause physical harm or damage property, or

(d) Disorderly.]

(11) "Independent physician" means a physician licensed to practice in Kentucky, other than one holding an office or appointment in any department, board or agency of the commonwealth, or in any public facility.

(12) "Juvenile" means any person who is under the age of eighteen.

(13) *"Client"* ["Patient"] means any person admitted to a facility.

(14) "Treatment" means services and programs for the care and rehabilitation of *persons intoxicated or incapacitated by alcohol and services and programs for* [intoxicated persons and] alcoholics.

*(15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.*

*(16) "Emergency service unit" means a treatment team trained to give assistance in the streets and other public places to persons who are intoxicated or incapacitated by alcohol that meets minimum standards established by the department.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) Any intoxicated person or any alcoholic may apply for voluntary treatment directly to a treatment facility.

(2) Subject to rules adopted by the department, the administrator in charge of a treatment facility may determine who shall be admitted for treatment. If a person is refused admission to a treatment facility, the administrator, subject to rules adopted by the department, shall refer the person to another treatment facility for treatment if possible and appropriate.

(3) If a person receiving inpatient care leaves a treatment facility, he shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator in charge of the treatment facility that the person is an alcoholic who needs further treatment, the department shall arrange for assistance in obtaining supportive services and residential facilities.

SECTION 3. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) Any intoxicated person may present himself voluntarily or be brought to a treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to such help, may be assisted to his home, a treatment facility, or other health facility by the police or the emergency service unit.

(2) A person who appears to be incapacitated in a public place shall be escorted by the emergency service unit, or taken into protective custody by the police, and forthwith brought to an appropriate treatment facility for emergency treatment. The emergency service unit, in escorting an incapacitated person and in taking him to a treatment facility, or the police in detaining such a person, shall make every reasonable effort

to protect the health and safety of the incapacitated person. The escorting or detaining personnel may take reasonable precautions for their own personal protection. Protective custody under this section is not an arrest and no entry or other record shall be made to indicate that the person has been arrested or charged with an offense as defined in KRS 500.080(11). For purposes of this section a person may be taken to a place of detention and detained there without restraint only until he is no longer incapacitated, and only if no treatment facility for emergency treatment is available. If an incapacitated person, who has been detained for a period of eight (8) hours, is still apparently incapacitated, he shall be taken without delay, by the detaining personnel to a treatment facility for medical evaluation.

(3) A person who is not longer incapacitated after detention, and is not admitted to a treatment facility or referred to another facility, and who has no funds, may be taken to his home, if any. If he has no home, he may be assisted in obtaining shelter.

(4) If a client is admitted to a treatment facility, pursuant to this section his family shall be notified as promptly as possible unless the client requests otherwise.

(5) The police or members of the emergency service unit who act in good faith in compliance with the provisions of this section shall be deemed to be acting in the course of their official duties and shall not be criminally nor civilly liable therefor.

SECTION 4. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) The department or any city or county may establish emergency service units. Existing governmental personnel may be utilized for this purpose. Members of an emergency service unit shall be capable of providing first aid in emergency situations and shall transport intoxicated or incapacitated persons to their homes and to treatment facilities.

(2) The secretary shall adopt rules for the establishment, training, and conduct of emergency service units.

SECTION 5. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) No city, county or other political subdivision shall adopt or enforce any law, ordinance, resolution, or regulation having the force of law that creates an offense giving rise to a criminal or civil penalty or sanction for being a common drunkard or being found in a public place in an intoxicated condition due to alcohol.

(2) No city, county or other political subdivision shall interpret or apply any law of general application to circumvent the provisions of subsection (1).

Section 6. KRS 222.270 is amended to read as follows:

(1) The administrator of each facility shall keep a record of the treatment afforded each *client* [patient], which shall be confidential and shall be made available only upon proper judicial order, whether in connection with pending judicial proceedings or otherwise.

(2) Any *client* [patient] shall have the right to have a physician retained by him examine him, consult privately with his attorney, receive visitors, and send and receive communications by mail, telephone and telegraph. Such communications shall not be censored or read without consent of such *client* [patient]. The foregoing shall not limit the right of the administrator, subject to reasonable rules and regulations of the department, to prescribe reasonable rules governing visiting hours and the use of telephone and telegraph facilities.

Section 7. KRS 244.020 is amended to read as follows:

(1) No person shall drink any alcoholic beverage in any public place, in or upon any passenger coach, streetcar or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform or waiting room.

(2) *A person intoxicated or incapacitated by alcohol in a public place shall be treated as provided in Section 3 of this Act.* [No person shall be under the influence of alcoholic beverages on any public or private road, in any passenger coach, street-car, or other public place or building or at any public gathering.]

Section 8. KRS 244.990 is amended to read as follows:

(1) Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided, except KRS 244.380 to 244.470, shall, for the first offense, be fined not less than one hundred (100) nor more than two hundred dollars ($200) or imprisoned in the county jail or workhouse for not more than six (6) months, or both; and for the second and each subsequent violation, he shall be fined not less than two hundred (200) nor more than five hundred dollars ($500) or imprisoned in the county jail or workhouse for not more than six (6) months, or both. The penalties provided for in this subsection shall be in addition to the revocation of the offender's license. If the offender is a corporation, joint stock company, association or fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

(2) Any person who violates KRS 244.020*(1)* shall be fined not less than ten (10) nor more than one hundred dollars ($100) or imprisoned not less than five (5) nor more than thirty (30) days, or both.

(3) Any person who violates KRS 244.170 shall, upon the first conviction, be fined not less than fifty (50) nor more than five hundred dollars ($500) and may in addition be imprisoned in the county jail for not more than six (6) months. Upon a second conviction he shall be imprisoned in the penitentiary for not less than one (1) year, nor more than five (5) years. Upon the third and each subsequent conviction, he shall be imprisoned in the penitentiary for not less than five (5) nor more than ten (10) years. Upon the second or any subsequent conviction of a corporation for a violation of KRS 244.170, it shall be fined not less than one thousand (1,000) nor more than five thousand dollars ($5,000).

(4) Any person who violates any of the provisions of KRS 244.480 to 244.600 shall be fined not less than fifty (50) nor more than five hundred dollars ($500).

(5) Any person, firm or corporation violating any provision of KRS 244.083 and 244.085 shall be fined not less than ten dollars ($10.00) nor more than a hundred dollars ($100) and each violation shall constitute a separate offense.

(6) Any person who violates the provisions of subsection (5) of KRS 244.085 shall, for the first offense, be fined not less than $50 nor more than $500 and for each subsequent offense shall be fined not less than $200 nor more than $2,000.

Section 9. KRS 525.100 is amended to read as follows:

(1) A person is guilty of public intoxication when he appears in a public place manifestly under the influence of [alcohol, or] a controlled substance *as defined in KRS Chapter 218A*[, or other intoxicating substance,] not therapeutically administered, to the degree that he may endanger himself or other persons or property, or unreasonably annoy persons in his vicinity.

(2) Public intoxication is a Class B misdemeanor.

Section 10. KRS 222.240 and 222.260 are repealed.

Section 11. For the purpose of administering this Act there is hereby appropriated to the department an amount not to exceed the sum of $2,500,000.00 for fiscal year 1976-77 from funds which accrue to the General Fund as recorded in the official records of the Executive Department for Finance and Administration on June 30, 1976 as a result of surplus in excess of the official estimate, and the sum of $2,024,000.00 for fiscal year 1977-78 from funds which accrue to the General Fund as recorded in the official records of the Executive Department for Finance and Administration on June 30, 1977 as a result of surplus in excess of the official estimate.

**HB 714,** AN ACT relating to adoption.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) After the making of an order of adoption, the natural parents of the adoptive child shall be relieved of all parental duties toward and of all responsibilities for and shall have no rights over the adoptive child or to his property by descent or succession, except as hereinafter stated.

(2) The rights of an adoptive child to inheritance and succession from and through his natural parents shall terminate upon the making of the order of adoption except as hereinafter provided.

(3) The adoptive parents or parent and the adoptive child shall sustain toward each other the legal relation of parent and child and shall have all the rights and be subject to all the duties of that relation including the rights of inheritance from and through each other and the natural and adopted kindred of the adoptive parents or parent.

(4) When a natural or adoptive parent, having lawful custody of a child, marries or remarries and consents that the stepfather or stepmother may adopt the child, the consent shall not relieve the parent so consenting of any parental duty toward the child nor shall the consent or the order of adoption affect the rights of the consenting spouse and the adoptive child to inherit from and through each other and the natural and adopted kindred of the consenting spouse.

(5) The right of inheritance of an adoptive child extends to the distributees of the child and the distributees shall be the same as if he were the natural child of the adoptive parent.

(6) Adoptive children and natural children shall have all the rights of fraternal relationship including the right of inheritance from each other. The right of inheritance extends to the distributees of the adoptive

children and natural children and the distributees shall be the same as if each child were the natural child of the adoptive parents.

(7) The consent of the parent of a child to the adoption of the child by his or her spouse shall operate to vest in the adopting spouse only the rights as distributee of a natural parent and shall leave otherwise unaffected the rights as distributee of the consenting spouse.

SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The provisions of Section 1 of this Act shall apply only to the intestate descent and distribution of real and personal property and shall not affect the right of any child to distribution of property under the will of his natural parents or their natural or adopted kindred whether the natural parent or kindred shall have died heretofore or shall die hereafter or under any inter vivos instrument heretofore or hereafter executed by the natural parent or his kindred.

**HB 755,** AN ACT relating to the testimony of witnesses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 421.210 is amended to read as follows:

(1) In all actions between husband and wife, or between either or both of them and another, either or both of them may testify as other witnesses, except as to confidential communications between them during marriage, provided, however, that in an action for absolute divorce or divorce from bed and board, either or both of them may testify concerning any matter involved in the action, including questions of property, and provided further, that neither may be compelled to testify for or against the other.

(2) Subject to the provisions of subsection (7) of this section, no person shall testify for himself concerning any verbal statement of, or any transaction with, or any act done or omitted to be done by an infant under fourteen years of age, or by one who is of unsound mind or dead when the testimony is offered to be given except for the purpose, and to the extent, of affecting one who is living, and who, when over fourteen years of age and of sound mind, heard such statement, or was present when such transaction took place, or when such act was done or omitted, and except in actions for personal injury, death or damage to property by negligence or tortious acts, unless:

(a) The infant or his guardian shall have testified against such person, with reference to such statement, transaction or act; or

(b) The person of unsound mind shall, when of sound mind, have testified against such person, with reference thereto; or

(c) The decedent, or a representative of, or someone interested in, his estate, shall have testified against such person, with reference thereto; or

(d) An agent of the decedent or person of unsound mind, with reference to such act or transaction, shall have testified against such person, with reference thereto, or be living when such person offers to testify, with reference thereto.

(3) No person shall testify for himself, in chief, in an ordinary action, after introducing other testimony for himself, in chief; nor in an equitable action, after taking other testimony for himself, in chief.

(4) No attorney shall testify concerning a communication made to him, in his professional character, by his client, or his advice thereon, without the client's consent; nor shall *an ordained minister, priest, rabbi or accredited practitioner of an established church or religious organization be required to testify in any civil or criminal case or proceedings preliminary thereto, or in any administrative proceeding, concerning any information confidentially communicated to him in his professional capacity under such circumstances that to disclose the information would violate a sacred or moral trust, unless the person making the confidential communication waives such privilege herein provided* [a clergyman or priest testify concerning any confession made to him, in his professional character, in the course of discipline enjoined by the church to which he belongs, without the consent of the person confessing].

(5) If the right of a person to testify for himself be founded upon the fact that one who is dead or of unsound mind has testified against him, the testimony of such person shall be confined to the facts or transactions to which the adverse testimony related.

(6) A person may testify for himself as to the correctness or original entries made by him against persons who are under no disability—ther than infancy—n an accounting, according to the usual course of business though the person against whom they were made may have died or have become of unsound mind; but no person shall testify for himself concerning entries in a book, or the contents or purport of any writing, under the control of himself, or of himself and others jointly, if he refuse or fail to produce such book or writing, and to make it subject to the order of the court for the purposes of the action, if required to do so by the party against whom he offers to testify.

(7) The assignment of a claim by a person who is incompetent to testify for himself shall not make him competent to testify for another.

(8) A party may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party called for such examination shall not be concluded thereby, but may rebut it by counter testimony.

(9) None of the preceding provisions of this section apply to affidavits for provisional remedies, or to affidavits of claimants against the estates of deceased or insolvent persons, or affect the competency of attesting witnesses of instruments which are required by law to be attested.

**SB 121,** AN ACT relating to inheritance and estate taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 140 is created to read as follows:

Notwithstanding any of the provisions of this chapter, any employer may pay the proceeds where same are not in excess of twenty-five thousand dollars of any profit sharing, stock bonus, thrift, or pension plan due at the death of the decedent to the person entitled thereto as soon as it has mailed to the department of revenue a notice, in such form as the department may prescribe, setting forth the fact of such payment. The department may by regulation dispense with the requirement for this notice as to payment of proceeds amounting to one thousand dollars ($1,000) or less.

**HB 98,** AN ACT relating to decedents' estates.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 386 is created to read as follows:

As used in this Act, "court" means either the appropriate county court or appropriate circuit court which under the laws of Kentucky has jurisdiction over the subject matter of the particular proceeding.

Section 2. A new section of KRS Chapter 386 is created to read as follows:

The trustee of a trust having its principal place of administration in this state shall register the trust in the court of this state at the principal place of administration. Unless otherwise designated in the trust instrument, the principal place of administration of a trust is the trustee's usual place of business where the records pertaining to the trust are kept, or at the trustee's residence if he has no such place of business. In the case of co-trustees, the principal place of administration, if not otherwise designated in the trust instrument, is (1) the usual place of business of the corporate trustee if there is but one corporate co-trustee, or (2) the usual place of business or residence of the individual trustee who is a professional fiduciary if there is but one such person and no corporate co-trustee, and otherwise (3) the usual place of business or residence of any of the co-trustees as agreed upon by them. The duty to register under this section does not apply to the trustee of a trust if registration would be inconsistent with the retained jurisdiction of a foreign court from which the trustee cannot obtain release, nor does the duty to register under this section apply to intervivos trusts, whether revocable or irrevocable, unless the settlor of the trust so directs.

Section 3. A new section of KRS Chapter 386 is created to read as follows:

Registration shall be accomplished by filing a statement indicating the name and address of the trustee in which it acknowledges the trusteeship. The statement shall indicate whether the trust has been registered elsewhere. The statement shall identify the trust: (1) in the case of a testamentary trust, by the name of the testator and the date and place of domiciliary probate; (2) in the case of a written intervivos trust, by the name of each settlor and the original trustee and the date of the trust instrument; or (3) in the case of an oral trust, by information identifying the settlor or other source of funds and describing the time and manner of the trust's creation and the terms of the trust, including the subject matter, beneficiaries and time of performance. If a trust has been registered elsewhere, registration in this state is ineffective until the earlier registration is released by order of the court where prior registration occurred, or an instrument executed by the trustee and all beneficiaries, filed with the registration in this state.

Section 4. A new section of KRS Chapter 386 is created to read as follows:

(1) By registering a trust, or accepting the trusteeship of a registered trust, the trustee submits personally to the jurisdiction of the court in any proceeding under Section 6 of this Act relating to the trust that may be initiated by any interested person while the trust remains registered. Notice of any proceeding shall be delivered to the trustee, or mailed to him by ordinary first class mail at his address as listed in the registration or as thereafter reported to the court and to his address as then known to the petitioner.

(2) To the extent of their interests in the trust, all beneficiaries of a trust properly registered in this state are subject to the jurisdiction of the court of registration for the purposes of proceedings under Section 6 of this Act, provided notice is given pursuant to subsection 3 of this section.

(3) The petitioner shall cause notice of the time and place of hearing of any petition to be given to any interested person or his attorney if he has appeared by attorney or requested that notice be sent to his attorney. Notice shall be given:

(a) by mailing a copy thereof in accordance with the Rules of Civil Procedure by certified, registered or ordinary first class mail addressed to the person being notified at the post office address given in his demand for notice, if any, or at his office or place of residence, if known;

(b) by delivering a copy thereof to the person being notified personally in accordance with the Rules of Civil Procedure; or

(c) if the address, or identity of any person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for three (3) consecutive weeks, a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which is to be at least ten (10) days before the time set for the hearing.

(4) The court for good cause shown may provide for a different method of time of giving notice for any hearing.

(5) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding as provided in KRS 424.170.

Section 5. A new section of KRS Chapter 386 is created to read as follows:

A trustee who fails to register a trust in a proper place as required by this Act, for purposes of any proceedings initiated by a beneficiary of the trust prior to registration, is subject to the personal jurisdiction of any court in which the trust could have been registered. In addition, any trustee who, within thirty (30) days after receipt of a written demand by a settlor or beneficiary of the trust, fails to register a trust as required by this Act is subject to removal and denial of compensation or to surcharge as the court may direct.

Section 6. A new section of KRS Chapter 386 is created to read as follows:

(1) Judicial proceedings may be initiated by interested parties concerning the internal affairs of trusts. Proceedings which may be maintained under this section are those concerning the administration and distribution of trusts, the declaration of rights and the determination of other matters involving trustees and beneficiaries of trusts. These include, but are not limited to, proceedings to:

(a) appoint or remove a trustee;

(b) review trustees' fees and to review and settle interim or final accounts;

(c) ascertain beneficiaries, determine any question arising in the administration or distribution of any trust including questions of construction of trust instruments, to instruct trustees, and determine the existence or nonexistence of any immunity, power, privilege, duty or right; and

(d) release registration of a trust.

(2) Neither registration of a trust nor a proceeding under this section result in continuing supervisory proceedings. The management and distribution of a trust estate, submission of accounts and reports to beneficiaries, payment of trustee's fees and other obligations of a trust, acceptance and change of trusteeship, and other aspects of the administration of a trust shall proceed expeditiously consistent with the terms of the trust, free of judicial intervention and without order, approval or other action of any court, subject to the jurisdiction of the court as invoked by interested parties or as otherwise exercised as provided by law.

Section 7. A new section of KRS Chapter 386 is created to read as follows:

Venue for proceedings under Section 6 involving registered trusts is in the place of registration. Venue for proceedings under Section 6 involving trusts not registered in this state is in any place where the trust properly could have been registered, and otherwise by the venue statutes of Kentucky.

Section 8. A new section of KRS Chapter 386 is created to read as follows:

The court will not, over the objection of a party, entertain proceedings under Section 6 involving a trust registered or having its principal place of administration in another state, unless (1) when all appropriate parties could not be bound by litigation in the courts of the state where the trust is registered or has its principal place of administration or (2) when the interests of justice otherwise would seriously be impaired.

The court may condition a stay or dismissal of a proceeding under this section on the consent of any party to jurisdiction of the state in which the trust is registered or has its principal place of business, or the court may grant a continuance or enter any other appropriate order.

Section 9. A new section of KRS Chapter 386 is created to read as follows:
The court of the place in which the trust is registered has concurrent jurisdiction with the other courts of this state of actions and proceedings to determine the existence or nonexistence of trusts created other than by will, of actions by or against creditors or debtors of trusts, and of other actions and proceedings involving trustees and third parties. Venue is determined by the rules generally applicable to civil actions.

Section 10. A new section of KRS Chapter 386 is created to read as follows:
On petition of an interested person, after notice to all interested persons, the court may review the propriety of employment of any person by a trustee including any attorney, auditor, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the reasonableness of the compensation determined by the trustee for his own services. Any person who has received excessive compensation from a trust may be ordered to make appropriate refunds.

Section 11. A new section of KRS Chapter 386 is created to read as follows:
Proceedings under Section 6 are initiated by filing a petition in the court and giving notice pursuant to subsection 3 of Section 4 of this Act to interested parties. The court may order notification of additional persons. A decree is valid as to all who are given notice of the proceeding though fewer than all interested parties are notified.

Section 12. A new section of KRS Chapter 386 is created to read as follows:
Except as specifically provided, the general duty of the trustee to administer a trust expeditiously for the benefit of the beneficiaries is not altered by this Act.

Section 13. A new section of KRS Chapter 386 is created to read as follows:
Except as otherwise provided by the terms of the trust, the trustee shall observe the standards in dealing with the trust assets that would be observed by a prudent man as defined in Section 44(3) of this Act.

Section 14. A new section of KRS Chapter 386 is created to read as follows:
The trustee shall keep the beneficiaries of the trust reasonably informed of the trust and its administration. In addition:

(1) Within thirty (30) days after his acceptance of the trust, the trustee shall inform in writing the current beneficiaries and if possible, one or more persons who may represent beneficiaries with future interests, of the court in which the trust is registered and of his name and address.

(2) Upon reasonable request, the trustee shall provide the beneficiary with a copy of the terms of the trust which describe or affect his interest and with relevant information about the assets of the trust and the particulars relating to the administration.

(3) Upon reasonable request, a beneficiary is entitled to a statement of the accounts of the trust annually and on termination of the trust or change of the trustee.

Section 15. A new section of KRS Chapter 386 is created to read as follows:
A trustee need not provide surety on his bond to secure performance of his duties unless required by the terms of the trust, reasonably requested by a beneficiary or found by the court to be necessary to protect the interests of the beneficiaries who are not able to protect themselves and whose interests otherwise are not adequately represented.

Section 16. A new section of KRS Chapter 386 is created to read as follows:
A trustee is under a continuing duty to administer the trust at a place appropriate to the purposes of the trust and to its sound, efficient management. If the principal place of administration becomes inappropriate for any reason, the court may enter any order furthering efficient administration and the interests of beneficiaries, including, if appropriate, release of registration, removal of the trustee and appointment of a trustee in another state. Trust provisions relating to the place of administration and to changes in the place of administration or of trustee control unless compliance would be contrary to efficient administration or the purposes of the trust. Views of adult beneficiaries shall be given weight in determining the suitability of the trustee and the place of administration.

Section 17. A new section of KRS Chapter 386 is created to read as follows:

(1) Unless otherwise provided in the contract, a trustee is not personally liable on contracts properly entered into in his fiduciary capacity in the course of administration of the trust estate unless he fails to reveal his representative capacity and identify the trust estate in the contract.

(2) A trustee is personally liable for obligation arising from ownership or control of property of the trust estate or for torts committed in the course of administration of the trust estate only if he is personally at fault.

(3) Claims based on contracts entered into by a trustee in his fiduciary capacity, on obligations arising from ownership or control of the trust estate, or on torts committed in the course of trust administration may be asserted against the trust estate by proceeding against the trustee in his fiduciary capacity, whether or not the trustee is personally liable therefor.

(4) The question of liability as between the trust estate and the trustee individually may be determined in a proceeding for accounting, surcharge or indemnification or other appropriate proceeding.

Section 18. A new section of KRS Chapter 386 is created to read as follows:

Unless previously barred by adjudication, consent or limitation, any claim against a trustee for breach of trust is barred as to any beneficiary who has received a final account or other statement fully disclosing the matter and showing termination of the trust relationship between the trustee and the beneficiary unless a proceeding to assert the claim is commenced within six (6) months after receipt of the final account or statement. In any event and notwithstanding lack of full disclosure a trustee who has issued a final account or statement received by the beneficiary and has informed the beneficiary of the location and availability of records for his examination is protected after three (3) years. A beneficiary is deemed to have received a final account or statement if, being an adult, it is received by him personally or if, being a minor or disabled person, it is received by his representative.

Section 19. A new section of KRS Chapter 395 is created to read as follows:

(1) Any person having a financial or property interest in a decedent's estate, may file a demand for notice with the Court at any time after the death of the decedent, stating the name of the decedent, the nature of the demandant's interest in the estate, and his address or that of his attorney.

(2) If a personal representative has been appointed at the time of filing of the demand, the Court shall advise the demandant of the appointment and transmit a copy of each order entered, regarding the estate to the demandant.

(3) After the filing of a demand, no order or filing to which the demand relates shall be entered until the person seeking such order certifies as provided in the Rules of Civil Procedure that the demandant or his attorney has been given written notice. The requirement for notice arising from a demand under this provision may be waived in writing by the demandant and in any event shall cease upon the termination of his interest in the estate.

Section 20. KRS 387.280 is amended to read as follows:

Whenever a person under disability, having no guardian or committee, is entitled to receive a sum not exceeding *$5,000* [$2,000] exclusive of interest, in any action wherein real estate has been sold or in the settlement of any estate or from any other source, the court in which the action is pending, or, if the sum does not derive from such action, the county court, may order the sum to be paid to the persons having custody of such ward. Before entering the order, the court shall be satisfied by affidavit or oral testimony that the ward is in the custody of the person to whom it is proposed to pay the money, and the latter, upon withdrawal of the money, shall be under obligation as trustee to expend it, for the support, maintenance or education of the ward. When the order is made no bond shall be required of the person having custody of the ward and the purchaser of the real property may pay the share into court, and no lien shall remain on the property therefor and the money may be withdrawn by the person mentioned in the order without his giving bond. A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian or committee.

Section 21. KRS 395.200 is amended to read as follows:

[(1)] At any time after the appointment of a fiduciary, [whenever it shall be necessary to secure authority to sell personal property belonging to an estate,] the *fiduciary* [county court], when satisfied that it would be for the best interests of the estate, may [authorize such fiduciary to] sell, at public or private sale, at [a fixed price or for] the best price obtainable, and for cash or on such terms as the *fiduciary* [court] may determine, any part or all of the personal property belonging to the estate, including dividend-paying and interest-bearing securities, except:

*(1)* [(a)] Such tangible personal property as has been set apart to the surviving spouse as exempt.

*(2)* [(b)] Property specifically bequeathed, when sale of such property is not necessary for the payment of debts, provided that such property may be sold with the consent of the person entitled thereto.

*(3)* [(c)] Property as to which distribution in kind has been demanded prior to the sale by the surviving spouse or other beneficiary entitled to such distribution in kind, or property which the court may determine to be suitable for distribution in kind.

*(4)* [(d)] Property, the sale of which is contrary to the wish of the testator, as shown by his will, unless the court finds that the sale is necessary to pay debts, funeral and burial expense, and costs of administration, or that the retention of it will probably cause great loss to the estate.

[(2) If the court directs any of such personal property to be sold at public sale, the court shall direct the nature and extent of the advertising of such sale. Nothing herein shall limit or qualify the powers granted by will to executors and trustees.]

Section 22. KRS 395.420 is amended to read as follows:

(1) A curator appointed under subsection (1) of KRS 395.410 shall collect and safely keep the estate of the decedent, and make and return to court, within three (3) months, a full and complete inventory of the estate and deliver up the estate, when required, to the executor or administrator. He may pay debts, sue and be sued and sell [such] perishable and other goods [as the county court may order to be sold].

(2) A curator appointed under subsection (2) of KRS 395.410 shall collect and safely keep the estate of an absent person; make and return to the court, within three (3) months, a full and complete inventory of the estate and deliver up the estate, including the income from the estate, when required, to the absent person upon his return, or to the executor or administrator, when one is appointed. He may pay debts, sue and be sued, invest or reinvest any funds coming into his hands and sell [such] perishable and other goods [as the county court or the circuit court may order to be sold].

Section 23. KRS 25.172 is amended to read as follows:

(1) Upon the sworn application of any fiduciary [for appointment, as required by KRS 395.015], that the fiduciary is the sole beneficiary of any estate, the court may dispense with the requirements of KRS 25.175 through 25.215 and may dispense with the requirements of a surety for the fiduciary and shall accept from the fiduciary an informal settlement. The informal settlement shall be made, under oath, by the fiduciary and shall state that the estate was solvent; that all legal claims and debts have been paid, or if not paid, the manner in which said claims and debts have been provided for; that all inheritance, estate or similar death taxes have been paid and a duplicate or photocopy of such tax releases shall be attached, if available; that all court costs have been paid; the name of the attorney(s), if any, representing the fiduciary, and the amount of the attorney's fee, and that the beneficiary has received his share. An informal settlement may be filed at any time after the period for filing claims against decedent's estate has elapsed, subject to the requirements of time for filing settlements as set out in KRS 25.175. Upon the filing of the informal settlement, the court may enter an order discharging the fiduciary, and his surety, if any. When a settlement is effected in the informal manner, no notice to any person shall be required by KRS 25.195, nor shall the court be compelled to inquire into detailed items of income or disbursements.

*(2) If the application for the appointment of a fiduciary is accompanied by a verified waiver executed by all of the beneficiaries of an estate, and none of the beneficiaries is under a disability, the court shall accept from the fiduciary an informal settlement which meets the requirements of subsection (1) of this section. The court may require the fiduciary to execute bond with or without surety to insure the application of the estate assets to the debts of the decedent.*

*(3) In the event that the appointment of a fiduciary is required under this section and one or more of the beneficiaries of the estate is under a disability, the court may allow the filing of an informal settlement if the court is of the opinion that the best interests of the person under the disability would be served.*

Section 24. A new section of KRS Chapter 395 is created to read as follows:

Except as restricted or otherwise provided by the will, or by KRS 395.200, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

(1) retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment;

(2) receive assets from fiduciaries, or other sources;

(3) perform, compromise or refuse performance for proper cause of the decedent's contracts that continue as obligations of the estate, as he may determine under the circumstances;

(4) satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances;

(5) if funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements or other prudent investments which would be reasonable for use by trustees generally;

(6) acquire or dispose of an asset, other than land, for cash or on credit, at public or private sale; and manage, develop, improve, exchange, partition, change the character of, or abandon an estate asset;

(7) enter for any purpose into a lease for personal property as lessor or lessee, with or without option to purchase or renew, for a term within or extending beyond the period of administration;

(8) abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate;

(9) vote stocks or other securities in person or by general or limited proxy;

(10) pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims;

(11) hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held;

(12) insure the assets of the estate against damage, loss and liability and himself against liability as to third persons;

(13) borrow money with or without security to be repaid from the probatable assets or otherwise; and advance money for the protection of the estate;

(14) effect a fair and reasonable compromise with any debtor or obligor, or extend, renew or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge or other lien upon property or another person, he may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by lien;

(15) pay taxes, assessments, compensation of the personal representative, and other expenses incident to the administration of the estate;

(16) sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(17) allocate items of income or expense to either estate income or principal, as permitted or provided by law;

(18) employ persons, including attorneys, auditors, investment advisors, or agents, to advise or assist the personal representative in the performance of his administrative duties; act without independent investigation upon their recommendations; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary;

(19) prosecute or defend claims, or proceedings in any jurisdiction for the protection of the estate and of the personal representative in the performance of his duties;

(20) sell or mortgage any personal property or any interest therein for cash, credit, or for part cash and part credit, and with or without security for unpaid balances;

(21) provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate;

(22) satisfy and settle claims and distribute the estate as provided in this Act.

Section 25. A new section of KRS Chapter 395 is created to read as follows:

The powers set forth in Section 24 of this Act are not intended to be exclusive but rather in addition to any powers which the personal representative has at the time of enactment of the provisions of this Act.

Section 26. A new section of KRS Chapter 395 is created to read as follows:

As used in Sections 27 through 38 of this Act, unless the context otherwise requires:

(1) "account" means a contract of deposit of funds between a depositor and a financial institution, and includes a checking account, savings account, certificate of deposit, share account and other like arrangement;

(2) "beneficiary" means a person named in a trust account as one for whom a party to the account is named as trustee;

(3) "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan companies or associations, and credit unions;

(4) "joint account" means an account payable on request to one or more of two or more parties whether or not mention is made of any right of survivorship;

(5) A "multiple-party account" is any of the following types of account: (i) a joint account, (ii) a P&O&D& account, or (iii) a trust account. It does not include accounts established for deposit of funds of a partnership, joint venture, or other association for business purposes, or accounts controlled by one or more persons as the duly authorized agent or trustee for a corporation, unincorporated association, charitable or civic organization or a regular fiduciary or trust account where the relationship is established other than by deposit agreement;

(6) "net contribution" of a party to a joint account as of any given time is the sum of all deposits thereto made by or for him, less all withdrawals made by or for him which have not been paid to or applied to the use of any other party, plus a pro rata share of any interest or dividends included in the current balance. The term includes, in addition, any proceeds of deposit life insurance added to the account by reason of the death of the party whose net contribution is in question;

(7) "party" means a person who, by the terms of the account, has a present right, subject to request, to payment from a multiple-party account. A P&O&D& payee or beneficiary of a trust account is a party only after the account becomes payable to him by reason of his surviving the original payee or trustee. Unless the context otherwise requires, it includes a guardian, conservator, personal representative, or assignee, including an attaching creditor, of a party. It also includes a person identified as a trustee of an account for another whether or not a beneficiary is named, but it does not include any named beneficiary unless he has a present right of withdrawal;

(8) "payment" of sums on deposit includes withdrawal, payment on check or other directive of a party, and any pledge or sums on deposit by a party and any set-off, or reduction or other disposition of all or part of an account pursuant to a pledge;

(9) "proof of death" includes a death certificate or record or report which is prima facie proof of death;

(10) "P&O&D& account" means an account payable on request to one person during lifetime and on his death to one or more P&O&D& payees, or to one or more persons during their lifetimes and on the death of all of them to one or more P&O&D& payees;

(11) "P&O&D& payee" means a person designated on a P&O&D& account as one to whom the account is payable on request after the death of one or more persons;

(12) "request" means a proper request for withdrawal, or a check or order for payment, which complies with all conditions of the account, including special requirements concerning necessary signatures and regulations of the financial institution; but if the financial institution conditions withdrawal or payment on advance notice, for purposes of this part the request for withdrawal or payment is treated as immediately effective and a notice of intent to withdraw is treated as a request for withdrawal;

(13) "sums on deposit" means the balance payable on a multiple-party account including interest, dividends, and in addition any deposit life insurance proceeds added to the account by reason of the death of a party;

(14) "trust account" means an account in the name of one or more parties as trustee for one or more beneficiaries where the relationship is established by the form of the account and the deposit agreement with the financial institution and there is no subject of the trust other than the sums on deposit in the account; it is not essential that payment to the beneficiary be mentioned in the deposit agreement. A trust account does not include a regular trust account under a testamentary trust or a trust agreement which has significance apart from the account, or a fiduciary account arising from a fiduciary relation such as attorney-client;

(15) "withdrawal" includes payment to a third person pursuant to check or other directive of a party.

Section 27. A new section of KRS Chapter 395 is created to read as follows:

The provisions of Sections 28 to 30 of this Act concerning beneficial ownership as between parties, or as between parties and P&O&D& payees or beneficiaries of multiple-party accounts, are relevant only to controversies between these persons and their creditors and other successors, and have no bearing on the power of withdrawal of these persons as determined by the terms of account contracts. The provisions of Sections 33 to 38 of this Act govern the liability of financial institutions who make payments pursuant thereto, and their set-off rights.

Section 28. A new section of KRS Chapter 395 is created to read as follows:

(1) A joint account belongs, during the lifetime of all parties, to the parties in proportion to the net contributions by each to the sums on deposit, unless there is clear and convincing evidence of a different intent.

(2) A P&O&D& account belongs to the original payee during his lifetime and not to the P&O&D& payee or payees; if two or more parties are named as original payees, during their lifetimes rights as between them are governed by subsection (1) of this section.

(3) Unless a contrary intent is manifested by the terms of the account or the deposit agreement or there is other clear and convincing evidence of an irrevocable trust, a trust account belongs beneficially to the trustee during his lifetime, and if two or more parties are named as trustee on the account, during their lifetimes beneficial rights as between them are governed by subsection (1) of this section. If there is an irrevocable trust, the account belongs beneficially to the beneficiary.

Section 29. A new section of KRS Chapter 395 is created to read as follows:

(1) Sums remaining on deposit at the death of a party to a joint account belong to the surviving party or parties as against the estate of the decedent unless there is clear and convincing evidence of a different

intention at the time the account is created. If there are two or more surviving parties their respective ownerships during lifetime shall be in proportion to their previous ownership interests under Section 28 of this Act augmented by an equal share for each survivor of any interest the decedent may have owned in the account immediately before his death; and the right of survivorship continues between the surviving parties.

(2) If the account is a P&O&D& account, on death of the original payee or of the survivor of two or more original payees, any sums remaining on deposit belong to the P&O&D& payee or payees if surviving, or to the survivor of them if one or more die before the original payee; if two or more P&O&D& payee survive, there is no right of survivorship in event of death of a P&O&D& payee thereafter unless the terms of the account or deposit agreement expressly provide for survivorship between them.

(3) If the account is a trust account, on death of the trustee or the survivor of two or more trustees, any sums remaining on deposit belong to the person or persons named as beneficiaries, if surviving, or to the survivor of them if one or more die before the trustee, unless there is clear and convincing evidence of a contrary intent; if two or more beneficiaries survive, there is no right of survivorship in event of death of any beneficiary thereafter unless the terms of the account or deposit agreement expressly provide for survivorship between them.

(4) In other cases, the death of any party to a multiple-party account has no effect on beneficial ownership of the account other than to transfer the rights of the decedent as part of his estate.

(5) A right of survivorship arising from the express terms of the account or under this section, a beneficiary designation in a trust account, or a P&O&D& payee designation, cannot be changed by will.

Section 30. A new section of KRS Chapter 395 is created to read as follows:

The provisions of Section 29 of this Act as to rights of survivorship are determined by the form of the account at the death of a party. This form may be altered by written order given by a party to the financial institution to change the form of the account or to stop or vary payment under the terms of the account. The order or request must be signed by a party, received by the financial institution during the party's lifetime, and not countermanded by other written order of the same party during his lifetime.

Section 31. A new section of KRS Chapter 395 is created to read as follows:

Any transfers resulting from the application of Section 29 of this Act are effective by reason of the account contracts involved and this statute and are not to be considered as testamentary.

Section 32. A new section of KRS Chapter 395 is created to read as follows:

Financial institutions may enter into multiple-party accounts to the same extent that they may enter into single-party accounts. Any multiple-party account may be paid, on request to any one or more of the parties. A financial institution shall not be required to inquire as to the source of funds received for deposit to a multiple-party account, or to inquire as to the proposed application of any sum withdrawn from an account, for purposes of establishing net contributions.

Section 33. A new section of KRS Chapter 395 is created to read as follows:

Any sums in a joint account may be paid, on request, to any party without regard to whether any other party is incapacitated or deceased at the time the payment is demanded; but payment may not be made to the personal representative or heirs of a deceased party unless proofs of death are presented to the financial institution showing that the decedent was the last surviving party or unless there is no right of survivorship under Section 4 of this Act.

Section 34. A new section of KRS Chapter 395 is created to read as follows:

Any P&O&D& account may be paid, on request, to any original party to the account. Payment may be made, on request, to the P&O&D& payee or to the personal representative or heirs of a deceased P&O&D& payee upon presentation to the financial institution of proof of death showing that the P&O&D& payee survived all persons named as original payees. Payment may be made to the personal representative or heirs of a deceased original payee if proof of death is presented to the financial institution showing that the deceased original payee was the survivor of all other persons named on the account either as an original payee or as P&O&D& payee.

Section 35. A new section of KRS Chapter 395 is created to read as follows:

Any trust account may be paid, on request, to any trustee. Unless the financial institution has received written notice that the beneficiary has a vested interest not dependent upon his surviving the trustee, payment may be made to the personal representative or heirs of a deceased trustee if proof of death is presented to the financial institution showing that the deceased trustee was the survivor of all other persons named on the account either as trustee or beneficiary. Payment may be made, on request, to the beneficiary upon presentation to the financial institution of proof of death showing that the beneficiary or beneficiaries survived all persons named as trustees.

Section 36. A new section of KRS Chapter 395 is created to read as follows:

Payment made pursuant to Sections 32 through 35 of this Act discharges the financial institution from all claims for amounts so paid whether or not the payment is consistent with the beneficial ownership of the account as between parties, P&O&D& payees, or beneficiaries, or their successors. The protection here given does not extend to payments made after a financial institution has received written notice from any party able to request present payment to the effect that withdrawals in accordance with the terms of the account should not be permitted. Unless the notice is withdrawn by the person giving it, the successor of any deceased party must concur in any demand for withdrawal if the financial institution is to be protected under this section. No other notice or any other information shown to have been available to a financial institution shall affect its right to the protection provided here. The protection here provided shall have no bearing on the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of funds in, or withdrawn from, multiple-party accounts.

Section 37. A new section of KRS Chapter 395 is created to read as follows:

Without qualifying any other statutory right to set-off or lien and subject to any contractual provision, if a party to a multiple-party account is indebted to a financial institution, the financial institution has a right to set-off against the account in which the party has or had immediately before his death a present right of withdrawal. The amount of the account subject to set-off is that proportion to which the debtor is, or was immediately before his death, beneficially entitled, and in the absence of proof of net contributions, to an equal share with all parties having present rights of withdrawal.

Section 38. A new section of KRS Chapter 395 is created to read as follows:

(1) Any of the following provisions in an insurance policy, contract of employment, bond, mortgage, promissory note, deposit agreement, pension plan, trust agreement, conveyance or any other written instrument effective as a contract, gift, conveyance, or trust is deemed to be nontestamentary, and this Act does not invalidate the instrument or any provision;

(a) that money or other benefits theretofore due to, controlled or owned by a decedent shall be paid after his death to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently;

(b) that any money due or to become due under the instrument shall cease to be payable in event of the death of the promisee or the promissor before payment or demand; or

(c) that any property which is the subject ot the instrument shall pass to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently.

(2) Nothing in this section limits the rights of creditors under other laws of this state.

Section 39. KRS 387.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Person of unsound mind" *means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or to manage his estate.* [means an idiot, lunatic, one who from confirmed bodily infirmity is unable to make known to others by speech, sign, or otherwise his thoughts or desires, and by reason thereof is incompetent to manage his estate, or one whose mind because of an infirmity or old age has become so imbecile or unsound as to render him incompetent to manage his estate.]

(2) "Infant" or "minor" means any person who has not reached the age of eighteen.

*(3) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against a trust estate or the estate of a minor or person of unsound mind. It also includes persons having priority for appointment as fiduciaries.*

*(4) "Visitor" is an officer, employe or special appointee of the court with no personal interest in the proceedings who is trained in law, nursing, social work or possessing other appropriate skills deemed necessary by the court to conduct an investigation in proceedings under this chapter.*

Section 40. KRS 387.220 is amended to read as follows:

(1) A committee shall not be appointed for a person of unsound mind who is a resident of this state, unless he has been found to be such by the judgment of the circuit or county court of the county of his residence upon the inquest of a jury, as provided by law, or, if a nonresident, by the judgment of a court of competent jurisdiction in the county of his residence.

(2) In all inquests relating to persons alleged to be of unsound mind, the court shall cause an oath to be administered to the jury in such form as to ascertain by the verdict whether the person, by reason of unsound mind, is incompetent to manage his estate, and also what estate he owns in possession, reversion or remainder, and the value thereof.

*(3) The court prior to the inquest may appoint a visitor to interview the person alleged to be of unsound mind. The court may also cause the visitor to interview the person seeking appointment and visit the present place of abode of the person alleged to be of unsound mind and the place it is proposed that he will be detained or reside if the requested appointment is made. Upon such appointment the visitor shall submit a report in writing to the court.*

Section 41. KRS 387.025 is amended to read as follows:

*Any interested person may petition the court for the appointment of a guardian or committee but before* [Before] being appointed [as guardian or committee,] *the petitioner* [every person] shall make and file in duplicate a written application under oath, which must state the name, age and residence of the ward, the ward's husband or wife and each of the ward's parents, or if there be no spouse or parents [living in the State] the names, ages and residence of the next of kin, the name of the person having custody of the ward, a brief description of the ward's estate and its probable value, and the estimated annual income therefrom. A duplicate copy of said application shall be mailed by the Clerk to the Commissioner of Revenue of the State of Kentucky. The court shall thereupon appoint a time for hearing such application. Notice thereof shall be given to the minor if more than fourteen years of age; to the person having custody of the ward; to the husband or wife and each parent of the ward, or if none, to the next of kin residing in the State in the manner provided in KRS 395.016.

Section 42. KRS 389.010 is amended to read as follows:

(1) The real property or any right, title or interest in real property of a person under the age of eighteen years, or of a person of unsound mind, whether such person be a resident or a nonresident of this state, may be sold under or by decree of a court of equity of the county in which the property or any part thereof is situated for any purpose deemed by the chancellor to be necessary or proper or beneficial to such person under disability.

(2) The decree may be rendered on a petition, counter-claim or cross-petition filed by the statutory guardian of an infant, or by the committee of a person of unsound mind, or by a next friend, or by any party against a guardian or committee, if he have one residing in this state, in any kind of similar proceeding that may be maintained against a person who is not under disability.

(3) Except in actions brought under subsection (13) of this section, if the guardian or committee of a person under disability be a party to the action, then it shall not be necessary for the person under disability to be made a party personally.

(4) If the guardian or committee of a person under disability be not a party to the action, then it shall be necessary for the person under disability to be a party personally and brought before the court in the manner authorized by the Rules of Civil Procedure.

(5) Nothing contained in subsections (2), (3) and (4) of this section shall limit the purposes of sale named in subsection (1) of this section.

(6) If the suit be filed against a guardian or committee and he shall fail to appear and defend or show that no good defense can be made, the court shall appoint a guardian ad litem to do so.

(7) The pleading seeking a sale shall file the title papers, or copies thereof, under which the property is held; shall particularly describe the property and the interest therein of the person under disability; set forth fully the reasons or purposes for which it is sought to have the same sold; and the nature and extent of all liens upon the interest of the person, if any, so far as the same may be known to the petitioner.

(8) The case may be referred by order of court to the master commissioner for hearing of evidence and report on the facts and his recommendation with respect to the relief sought in the pleadings.

(9) The allegations of the pleading shall not be taken as confessed but shall be proved by competent evidence heard on deposition or orally by the chancellor or commissioner. A transcript thereof shall be filed as part of the record.

(10) The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the circuit court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book; provided, that if the circuit court, upon examination of a certified copy of the bond executed in the county court of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine, in its discretion, that said bond is adequate and sufficient, the

above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court, and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the clerk of the county court in which it was executed.

(11) Subject to the above conditions, judgment may be rendered and executed in the same manner and on the same terms as judgments in similar cases where no person under disability is a party.

(12) Provided, that (a) the court may in its discretion *in an ex parte or adversary proceeding* authorize the guardian or committee of such person or the commissioner of the court to make said sale at public auction upon such terms and conditions as the court may order, and to convey title thereto; or (b) if the land or interest to be sold be of an appraised value of less than twenty-five hundred dollars, the court may in the judgment authorize such fiduciary to make the sale privately and convey title; subject, however, to the approval of the chancellor before consummation.

(13) Without previous judicial proceeding or judgment the guardian of an infant or the committee of a person of unsound mind may sell privately or at public auction and convey any interest in real estate owned by a ward for such reasons and purposes and upon such terms and conditions as he shall deem best for the interest of said ward. Provided, however, that no such sale shall be consummated until same shall have been approved by the judge of the circuit court in the county where the land or a portion thereof is situated in a suit in equity filed by the guardian or committee against said infant or person of unsound mind. The petition shall set forth the reason and purposes of the sale and the terms thereof.

(14) If the person under disability be brought before the court by service of summons, a guardian ad litem shall be appointed for such person. Proof shall be taken only on notice to said guardian ad litem or, if the person under disability be constructively summoned, on notice to his warning order attorney. Proof may be taken by depositions or orally before the chancellor and thereafter transcribed and filed in the record of the case. The guardian ad litem or warning order attorney shall make a defense or file a report stating that after careful examination of the case he is unable to make a defense.

(15) If the chancellor shall deem the sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book; provided, if the share of the infant in the proceeds does not exceed one hundred dollars, exclusive of interest, no bond shall be required of the guardian; provided further, that if the circuit court, upon examination of a certified copy of the bond executed in the county of his appointment by the guardian or committee, which copy shall be filed in the circuit court; should determine in its discretion that said bond is adequate or sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the clerk of the county court in which it was executed. This proceeding shall be tried and judgment rendered in accordance with the Rules of Civil Procedure.

(16) The court shall at all times enter such orders as will conserve and protect the rights of the person under disability.

(17) No defect or error in the proceeding shall render the judgment or sale void unless the same is of the nature and character that would render the proceeding void if all parties were sui juris.

Section 43. A new section of KRS Chapter 395 is created to read as follows:

Sections 43 through 52 of this Act may be cited as the "Uniform Trustees' Powers Act."

Section 44. A new section of KRS Chapter 395 is created to read as follows:

As used in Sections 45 through 52 of this Act:

(1) "Trust" means an express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both; "trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree of a court, a liquidation trust, or a trust for the primary purpose of paying dividends, interests, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

(2) "Trustee" means an original, added, or successor trustee;

(3) "Prudent man" means a trustee whose exercise of trust powers is reasonable and equitable in view of the interests of income or principal beneficiaries or both, and in view of the manner in which men of ordinary prudence, diligence, discretion, and judgment would act in the management of their own affairs.

Section 45. A new section of KRS Chapter 395 is created to read as follows:

(1) The trustee has all powers conferred upon him by the provisions of this Act unless limited in the trust instrument.

(2) An instrument which is not a trust under Section 44(1) may incorporate any part of this Act by reference.

Section 46. A new section of KRS Chapter 395 is created to read as follows:

(1) From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent man would perform for the purposes of the trust including but not limited to the powers specified in subsection (3).

(2) In the exercise of his powers including the powers granted by this Act, a trustee has a duty to act with due regard to his obligation as a fiduciary, including a duty to give consideration to available tax exemptions, deductions, or credits for tax purposes. "Tax" includes, but is not limited to, any federal, state, or local income, gift, estate, or inheritance tax.

(3) A trustee has the power, subject to subsections (1) and (2) of this section:

(a) to collect, hold, and retain trust assets received from a trustor until, in the judgment of the trustee, disposition of the assets should be made; and the assets may be retained even though they include an asset in which the trustee is personally interested;

(b) To receive additions to the assets of the trust;

(c) to continue or participate in the operation of any business or other enterprise, and to effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(d) to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest;

(e) to invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;

(f) to deposit trust funds in a bank, including a bank operated by the trustee;

(g) to acquire or dispose of an asset, for cash or on credit, at public or private sale; and to manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest therein; and to encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

(h) to make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings;

(i) to subdivide, develop, or dedicate land to public use; or to make or obtain the vacation of plats and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration;

(j) to enter for any purpose into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust;

(k) to enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(l) to grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset;

(m) to vote a security, in person or by general or limited proxy;

(n) to pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;

(o) to sell or exercise stock subscription or conversion rights; to consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(p) to hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the security may pass by delivery, but the trustee is liable for any act of the nominee in connection with the stock so held;

(q) to insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons;

(r) to borrow money to be repaid from trust assets or otherwise; to advance money for the protection of the trust, and for all expenses, losses, and liability sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;

(s) to pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible;

(t) to pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust;

(u) to allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence, or amortization, or for depletion in mineral or timber properties;

(v) to pay any sum distributable to a beneficiary under legal disability, without liability to the trustee, by paying the sum to the beneficiary or by paying the sum for the use of the beneficiary either to a legal representative appointed by the court, or if none, to a relative;

(w) to effect distribution of property and money in divided or undivided interests and to adjust resulting differences in valuation;

(x) to employ persons, including attorneys, auditors, investment advisors, or agents to advise or assist the trustee in the performance of his administrative duties; to act without independent investigation upon their recommendations; and instead of acting personally, to employ one or more agents to perform any act of administration, whether or not discretionary;

(y) to prosecute or defend actions, claims, or proceedings for the protection of trust assets and of the trustee in the performance of his duties;

(z) to execute and deliver all instruments which will accomplish or facilitate the exercise of the powers vested in the trustee.

Section 47. A new section of KRS Chapter 395 is created to read as follows:

The trustee shall not transfer his office to another or delegate the entire administration of the trust to a cotrustee or another.

Section 48. A new section of KRS Chapter 395 is created to read as follows:

(1) This Act does not affect the power of a court of competent jurisdiction for cause shown and upon petition of the trustee or affected beneficiary and upon appropriate notice to the affected parties to relieve a trustee from any restrictions on his power that would otherwise be placed upon him by the trust or by this Act.

(2) If the duty of the trustee and his individual interest or his interest as trustee of another trust, conflict in the exercise of a trust power, the power may be exercised only by court authorization (except as provided in Section 46, subsections (3)(a), (d), (f), (r), and (x) upon petition of the trustee. Under this section, personal profit or advantage to an affiliated or subsidiary company or association is personal profit to any corporate trustee.

Section 49. A new section of KRS Chapter 395 is created to read as follows:

(1) Any power vested in three (3) or more trustees may be exercised by a majority, but a trustee who has not joined in exercising a power is not liable to the beneficiaries or to others for the consequences of the exercise; and a dissenting trustee is not liable for the consequences of an act in which he joins at the direction of the majority of the trustees, if he expressed his dissent in writing to any of his cotrustees at or before the time of the joinder.

(2) If two (2) or more trustees are appointed to perform a trust, and if any of them is unable or refuses to accept the appointment, or, having accepted, ceases to be a trustee, the surviving or remaining trustees shall perform the trust and succeed to all the powers, duties, and discretionary authority given to the trustees jointly.

(3) This section does not excuse a cotrustee from liability for failure either to participate in the administration of the trust or to attempt to prevent a breach of trust.

Section 50. A new section of KRS Chapter 395 is created to read as follows:

With respect to a third person dealing with a trustee or assisting a trustee in the conduct of a transaction, the existence of trust powers and their proper exercise by the trustee may be assumed without inquiry. The third person is not bound to inquire whether the trustee has power to act or is properly exercising the power; and a third person, without actual knowledge that the trustee is exceeding his powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers he purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the trustee.

Section 51. A new section of KRS Chapter 395 is created to read as follows:

Except as specifically provided in the trust, the provisions of this Act apply to any trust established after the effective date of this Act.

Section 52. A new section of KRS Chapter 395 is created to read as follows:
This Act shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.

Section 53. A new section of KRS Chapter 395 is created to read as follows:
The powers set forth in Sections 24 and 25 of this Act shall not be effective as to wills executed prior to the effective date of this statute nor to personal representatives.

The Committee Substitute for **HB 98** is as follows:

**HB 98,** AN ACT relating to probate and related matters.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 386 is created to read as follows:
As used in this Act, "court" means the appropriate county court, district court, or circuit court which under the laws of Kentucky has jurisdiction over the subject matter of the particular proceeding.

Section 2. A new section of KRS Chapter 386 is created to read as follows:
The trustee of a trust having its principal place of administration in this state shall register the trust in the court of this state at the principal place of administration. Unless otherwise designated in the trust instrument, the principal place of administration of a trust is the trustee's usual place of business where the records pertaining to the trust are kept, or at the trustee's residence if he has no such place of business. In the case of co-trustees, the principal place of administration, if not otherwise designated in the trust instrument, is (1) the usual place of business of the corporate trustee if there is but one corporate co-trustee, or (2) the usual place of business or residence of the individual trustee who is a professional fiduciary if there is but one such person and no corporate co-trustee, and otherwise (3) the usual place of business or residence of any of the co-trustees as agreed upon by them. The duty to register under this section does not apply to the trustee of a trust if registration would be inconsistent with the retained jurisdiction of a foreign court from which the trustee cannot obtain release, nor does the duty to register under this section apply to intervivos trusts, whether revocable or irrevocable, unless the settlor of the trust so directs.

Section 3. A new section of KRS Chapter 386 is created to read as follows:
Registration shall be accomplished by filing a statement indicating the name and address of the trustee in which he acknowledges the trusteeship. The statement shall indicate whether the trust has been registered elsewhere. The statement shall identify the trust: (1) in the case of a testamentary trust, by the name of the testator and the date and place of domiciliary probate; (2) in the case of a written intervivos trust, by the name of each settlor and the original trustee and the date of the trust instrument; or (3) in the case of an oral trust, by information identifying the settlor or other source of funds and describing the time and manner of the trust's creation and the terms of the trust, including the subject matter, beneficiaries and time of performance. If a trust has been registered elsewhere, registration in this state is ineffective until the earlier registration is released by order of the court where prior registration occurred, or an instrument executed by the trustee and all beneficiaries is filed with the registration in this state.

Section 4. A new section of KRS Chapter 386 is created to read as follows:
(1) By registering a trust, or accepting the trusteeship of a registered trust, the trustee submits personally to the jurisdiction of the court in any proceeding under Section 6 of this Act relating to the trust that may be initiated by any interested person while the trust remains registered. Notice of any proceeding shall be delivered to the trustee, or mailed to him by ordinary first class mail at his address as listed in the registration or as thereafter reported to the court and to his address as then known to the petitioner.
(2) To the extent of their interests in the trust, all beneficiaries of a trust properly registered in this state are subject to the jurisdiction of the court of registration for the purposes of proceedings under Section 6 of this Act, provided notice is given pursuant to subsection 3 of this section.
(3) The petitioner shall cause notice of the time and place of hearing of any petition to be given to any interested person or his attorney if he has appeared by attorney or requested that notice be sent to his attorney. Notice shall be given:

(a) by mailing a copy thereof in accordance with the Rules of Civil Procedure by certified, registered or ordinary first class mail addressed to the person being notified at the post office address given in his demand for notice, if any, or at his office or place of residence, if known;

(b) by delivering a copy thereof to the person being notified personally in accordance with the Rules of Civil Procedure; or

(c) if the address, or identity of any person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for three (3) consecutive weeks, a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which is to be at least ten (10) days before the time set for the hearing.

(4) The court for good cause shown may provide for a different method or time of giving notice for any hearing.

(5) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding as provided in KRS 424.170.

Section 5. A new section of KRS Chapter 386 is created to read as follows:

A trustee who fails to register a trust in a proper place as required by this Act, for purposes of any proceedings initiated by a beneficiary of the trust prior to registration, is subject to the personal jurisdiction of any court in which the trust could have been registered. In addition, any trustee who, within thirty (30) days after receipt of a written demand by a settlor or beneficiary of the trust, fails to register a trust as required by this Act is subject to removal and denial of compensation or to surcharge as the court may direct.

Section 6. A new section of KRS Chapter 386 is created to read as follows:

(1) Judicial proceedings may be initiated by interested persons concerning the internal affairs of trusts. Proceedings which may be maintained under this section are those concerning the administration and distribution of trusts, the declaration of rights and the determination of other matters involving trustees and beneficiaries of trusts. These include, but are not limited to, proceedings to:

(a) appoint or remove a trustee;

(b) review trustees' fees and to review and settle interim or final accounts;

(c) ascertain beneficiaries, determine any question arising in the administration or distribution of any trust including questions of construction of trust instruments, to instruct trustees, and determine the existence or nonexistence of any immunity, power, privilege, duty or right; and

(d) release registration of a trust.

(2) The management and distribution of a trust estate, submission of accounts and reports to beneficiaries, payment of trustee's fees and other obligations of a trust, acceptance and change of trusteeship, and other aspects of the administration of a trust shall proceed expeditiously consistent with the terms of the trust, free of judicial intervention and without order, approval or other action of any court, subject to the jurisdiction of the court as invoked by interested parties or as otherwise exercised as provided by law.

Section 7. A new section of KRS Chapter 386 is created to read as follows:

Venue for proceedings under Section 6 involving registered trusts is in the place of registration. Venue for proceedings under Section 6 involving trusts not registered in this state is in any place where the trust properly could have been registered, and otherwise by the venue statutes of Kentucky.

Section 8. A new section of KRS Chapter 386 is created to read as follows:

The court will not, over the objection of a party, entertain proceedings under Section 6 involving a trust registered or having its principal place of administration in another state, unless (1) when all appropriate parties could not be bound by litigation in the courts of the state where the trust is registered or has its principal place of administration or (2) when the interests of justice otherwise would seriously be impaired. The court may condition a stay or dismissal of a proceeding under this section on the consent of any party to jurisdiction of the state in which the trust is registered or has its principal place of business, or the court may grant a continuance or enter any other appropriate order.

Section 9. A new section of KRS Chapter 386 is created to read as follows:

The court of the place in which the trust is registered has concurrent jurisdiction with the other courts of this state of actions and proceedings to determine the existence or nonexistence of trusts created other than by will, of actions by or against creditors or debtors of trusts, and of other actions and proceedings involving trustees and third parties. Venue is determined by the rules generally applicable to civil actions.

Section 10. A new section of KRS Chapter 386 is created to read as follows:

On petition of an interested person, after notice to all interested persons, the court may review the propriety of employment of any person by a trustee including any attorney, auditor, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the reasonableness of the compensation determined by the trustee for his own services. Any person who has received excessive compensation from a trust may be ordered to make appropriate refunds.

Section 11. A new section of KRS Chapter 386 is created to read as follows:

Proceedings under Section 6 are initiated by filing a petition in the court and giving notice pursuant to subsection 3 of Section 4 of this Act to interested persons. The court may order notification of additional persons. A decree is valid as to all who are given notice of the proceeding though fewer than all interested persons are notified.

Section 12. A new section of KRS Chapter 386 is created to read as follows:

Except as specifically provided, the general duty of the trustee to administer a trust expeditiously for the benefit of the beneficiaries is not altered by this Act.

Section 13. A new section of KRS Chapter 386 is created to read as follows:

Except as otherwise provided by the terms of the trust, the trustee shall observe the standards in dealing with the trust assets that would be observed by a prudent man as defined in Section 44(3) of this Act.

Section 14. A new section of KRS Chapter 386 is created to read as follows:

The trustee shall keep the beneficiaries of the trust reasonably informed of the trust and its administration. In addition:

(1) Within thirty (30) days after his acceptance of the trust, the trustee shall inform in writing the current beneficiaries and if possible, one or more persons who may represent beneficiaries with future interests, of the court in which the trust is registered and of his name and address.

(2) Upon reasonable request, the trustee shall provide the beneficiary with a copy of the terms of the trust which describe or affect his interest and with relevant information about the assets of the trust and the particulars relating to the administration.

(3) Upon reasonable request, a beneficiary is entitled to a statement of the accounts of the trust annually and on termination of the trust or change of the trustee.

Section 15. A new section of KRS Chapter 386 is created to read as follows:

A trustee need not provide surety on his bond to secure performance of his duties unless required by the terms of the trust, reasonably requested by a beneficiary or found by the court to be necessary to protect the interests of the beneficiaries who are not able to protect themselves and whose interests otherwise are not adequately represented.

Section 16. A new section of KRS Chapter 386 is created to read as follows:

A trustee is under a continuing duty to administer the trust at a place appropriate to the purposes of the trust and to its sound, efficient management. If the principal place of administration becomes inappropriate for any reason, the court may enter any order furthering efficient administration and the interests of beneficiaries, including, if appropriate, release of registration, removal of the trustee and appointment of a trustee in another state. Trust provisions relating to the place of administration and to changes in the place of administration or of trustee control unless compliance would be contrary to efficient administration or the purposes of the trust. Views of adult beneficiaries shall be given weight in determining the suitability of the trustee and the place of administration.

Section 17. A new section of KRS Chapter 386 is created to read as follows:

(1) Unless otherwise provided in the contract, a trustee is not personally liable on contracts properly entered into in his fiduciary capacity in the course of administration of the trust estate unless he fails to reveal his representative capacity and identify the trust estate in the contract.

(2) A trustee is personally liable for obligation arising from ownership or control of property of the trust estate or for torts committed in the course of administration of the trust estate only if he is personally at fault.

(3) Claims based on contracts entered into by a trustee in his fiduciary capacity, on obligations arising from ownership or control of the trust estate, or on torts committed in the course of trust administration may be asserted against the trust estate by proceeding against the trustee in his fiduciary capacity, whether or not the trustee is personally liable therefor.

(4) The question of liability as between the trust estate and the trustee individually may be determined in a proceeding for accounting, surcharge or indemnification or other appropriate proceeding.

Section 18. A new section of KRS Chapter 386 is created to read as follows:

Unless previously barred by adjudication, consent or limitation, any claim against a trustee for breach of trust is barred as to any beneficiary who has received a final account or other statement fully disclosing the matter and showing termination of the trust relationship between the trustee and the beneficiary unless a proceeding to assert the claim is commenced within six (6) months after receipt of the final account or statement. In any event and notwithstanding lack of full disclosure a trustee who has issued a final account or statement received by the beneficiary and has informed the beneficiary of the location and availability of records for his examination is protected after three (3) years. A beneficiary is deemed to have received a final account or statement if, being an adult, it is received by him personally or if, being a minor or disabled person, it is received by his representative.

Section 19. A new section of KRS Chapter 395 is created to read as follows:

(1) Any person having a financial or property interest in a decedent's estate, may file a demand for notice with the Court at any time after the death of the decedent, stating the name of the decedent, the nature of the demandant's interest in the estate, and his address or that of his attorney.

(2) If a personal representative has been appointed at the time of filing of the demand, the Court shall advise the demandant of the appointment and transmit a copy of each order entered, regarding the estate to the demandant.

(3) After the filing of a demand, no order or filing to which the demand relates shall be entered until the person seeking such order certifies as provided in the Rules of Civil Procedure that the demandant or his attorney has been given written notice. The requirement for notice arising from a demand under this provision may be waived in writing by the demandant and in any event shall cease upon the termination of his interest in the estate.

Section 20. KRS 387.280 is amended to read as follows:

Whenever a person under disability, having no guardian or committee, is entitled to receive a sum not exceeding *$5,000* [$2,000] exclusive of interest, in any action wherein real estate has been sold or in the settlement of any estate or from any other source, the court in which the action is pending, or, if the sum does not derive from such action, the county court, may order the sum to be paid to the persons having custody of such ward. Before entering the order, the court shall be satisfied by affidavit or oral testimony that the ward is in the custody of the person to whom it is proposed to pay the money, and the latter, upon withdrawal of the money, shall be under obligation as trustee to expend it, for the support, maintenance or education of the ward. When the order is made no bond shall be required of the person having custody of the ward and the purchaser of the real property may pay the share into court, and no lien shall remain on the property therefor and the money may be withdrawn by the person mentioned in the order without his giving bond. A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian or committee.

Section 21. KRS 395.200 is amended to read as follows:

[(1)] At any time after the appointment of a fiduciary, [whenever it shall be necessary to secure authority to sell personal property belonging to an estate,] the *fiduciary* [county court], when satisfied that it would be for the best interests of the estate, may [authorize such fiduciary to] sell, at public or private sale, at [a fixed price or for] the best price obtainable, and for cash or on such terms as the *fiduciary* [court] may determine, any part or all of the personal property belonging to the estate, including dividend-paying and interest-bearing securities, except:

*(1)* [(a)] Such tangible personal property as has been set apart to the surviving spouse as exempt.

*(2)* [(b)] Property specifically bequeathed, when sale of such property is not necessary for the payment of debts, provided that such property may be sold with the consent of the person entitled thereto.

*(3)* [(c)] Property as to which distribution in kind has been demanded prior to the sale by the surviving spouse or other beneficiary entitled to such distribution in kind, or property which the court may determine to be suitable for distribution in kind.

*(4)* [(d)] Property, the sale of which is contrary to the wish of the testator, as shown by his will, unless the court finds that the sale is necessary to pay debts, funeral and burial expense, and costs of administration, or that the retention of it will probably cause great loss to the estate.

[(2) If the court directs any of such personal property to be sold at public sale, the court shall direct the nature and extent of the advertising of such sale. Nothing herein shall limit or qualify the powers granted by will to executors and trustees.]

Section 22. KRS 395.420 is amended to read as follows:

(1) A curator appointed under subsection (1) of KRS 395.410 shall collect and safely keep the estate of the decedent, and make and return to court, within three (3) months, a full and complete inventory of the estate and deliver up the estate, when required, to the executor or administrator. He may pay debts, sue and be sued and sell [such] perishable and other goods [as the county court may order to be sold].

(2) A curator appointed under subsection (2) of KRS 395.410 shall collect and safely keep the estate of an absent person; make and return to the court, within three (3) months, a full and complete inventory of the estate and deliver up the estate, including the income from the estate, when required, to the absent person upon his return, or to the executor or administrator, when one is appointed. He may pay debts, sue and be sued, invest or reinvest any funds coming into his hands and sell [such] perishable and other goods [as the county court or the circuit court may order to be sold].

Section 23. KRS 25.172 is amended to read as follows:

(1) Upon the sworn application of any fiduciary [for appointment, as required by KRS 395.015], that the fiduciary is the sole beneficiary of any estate, the court may dispense with the requirements of KRS 25.175 through 25.215 and may dispense with the requirements of a surety for the fiduciary and shall accept from the fiduciary an informal settlement. The informal settlement shall be made, under oath, by the fiduciary and shall state that the estate was solvent; that all legal claims and debts have been paid, or if not paid, the manner in which said claims and debts have been provided for; that all inheritance, estate or similar death taxes have been paid and a duplicate or photocopy of such tax releases shall be attached, if available; that all court costs have been paid; the name of the attorney(s), if any, representing the fiduciary, and the amount of the attorney's fee, and that the beneficiary has received his share. An informal settlement may be filed at any time after the period for filing claims against decedent's estate has elapsed, subject to the requirements of time for filing settlements as set out in KRS 25.175. Upon the filing of the informal settlement, the court may enter an order discharging the fiduciary, and his surety, if any. When a settlement is effected in the informal manner, no notice to any person shall be required by KRS 25.195, nor shall the court be compelled to inquire into detailed items of income or disbursements.

*(2) If a proposed settlement of a fiduciary is accompanied by a verified waiver executed by all of the beneficiaries of an estate, and none of the beneficiaries is under a disability, the court shall accept from the fiduciary an informal settlement which meets the requirements of subsection (1) of this section. The court may require the fiduciary to execute bond with or without surety to insure the application of the estate assets to the debts of the decedent.*

*(3) In the event that one or more of the beneficiaries of the estate is under a disability, the court may allow the filing of an informal settlement if the court is of the opinion that the best interests of the person under the disability would be served.*

Section 24. A new section of KRS Chapter 395 is created to read as follows:

Except as restricted or otherwise provided by the will, or by KRS 395.200, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

(1) retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment;

(2) receive assets from fiduciaries, or other sources;

(3) perform, compromise or refuse performance for proper cause of the decedent's contracts that continue as obligations of the estate, as he may determine under the circumstances;

(4) satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances;

(5) if funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements or other prudent investments which would be reasonable for use by trustees generally;

(6) acquire or dispose of an asset, other than land, for cash or on credit, at public or private sale; and manage, exchange, or change the character of an estate asset;

(7) enter for any purpose into a lease for personal property as lessor or lessee, with or without option to purchase or renew, for a term within or extending beyond the period of administration;

(8) abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in such condition that it is of no benefit to the estate;

(9) vote stocks or other securities in person or by general or limited proxy;

(10) pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims;

(11) hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held;

(12) insure the assets of the estate against damage, loss and liability and himself against liability as to third persons;

(13) borrow money with or without security to be repaid from the probatable assets or otherwise; and advance money for the protection of the estate;

(14) effect a fair and reasonable compromise with any debtor or obligor, or extend, renew or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge or other lien upon property of another person, he may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by lien;

(15) pay taxes, assessments, compensation of the personal representative, and other expenses incident to the administration of the estate;

(16) sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(17) allocate items of income or expense to either estate income or principal, as permitted or provided by law;

(18) employ persons, including attorneys, auditors, investment advisors, or agents, to advise or assist the personal representative in the performance of his administrative duties; act without independent investigation upon their recommendations; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary;

(19) prosecute or defend claims, or proceedings in any jurisdiction for the protection of the estate and of the personal representative in the performance of his duties;

(20) sell or mortgage any personal property or any interest therein for cash, credit, or for part cash and part credit, and with or without security for unpaid balances;

(21) provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate;

(22) satisfy and settle claims and distribute the estate as provided by law.

Section 25. A new section of KRS Chapter 395 is created to read as follows:

The powers set forth in Section 24 of this Act are not intended to be exclusive but rather in addition to any powers which the personal representative has at the time of enactment of the provisions of this Act.

Section 26. A new section of KRS Chapter 391 is created to read as follows:

As used in Sections 27 through 38 of this Act, unless the context otherwise requires:

(1) "account" means a contract of deposit of funds between a depositor and a financial institution, and includes a checking account, savings account, certificate of deposit, share account and other like arrangement;

(2) "beneficiary" means a person named in a trust account as one for whom a party to the account is named as trustee;

(3) "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan companies or associations, and credit unions;

(4) "joint account" means an account payable on request to one or more of two or more parties whether or not mention is made of any right of survivorship;

(5) A "multiple-party account" is any of the following types of account: (i) a joint account, (ii) a P&O&D& account, or (iii) a trust account. It does not include accounts established for deposit of funds of a partnership, joint venture, or other association for business purposes, or accounts controlled by one or more persons as the duly authorized agent or trustee for a corporation, unincorporated association, charitable or civic organization or a regular fiduciary or trust account where the relationship is established other than by deposit agreement;

(6) "net contribution" of a party to a joint account as of any given time is the sum of all deposits thereto made by or for him, less all withdrawals made by or for him which have not been paid to or applied to the use of any other party, plus a pro rata share of any interest or dividends included in the current balance. The term includes, in addition, any proceeds of deposit life insurance added to the account by reason of the death of the party whose net contribution is in question;

(7) "party" means a person who, by the terms of the account, has subject to request, a present right, exercisable alone or jointly with one or more other parties, to payment from a multiple-party account. A P&O&D& payee or beneficiary of a trust account is a party only after the account becomes payable to him by reason of his surviving the original payee or trustee. Unless the context otherwise requires, it includes a guardian, conservator, personal representative, or assignee, including an attaching creditor, of a party. It also includes a person identified as a trustee of an account for another whether or not a beneficiary is named, but it does not include any named beneficiary unless he has a present right of withdrawal;

(8) "payment" of sums on deposit includes withdrawal, payment on check or other directive of a party, and any pledge of sums on deposit by a party and any set-off, or reduction or other disposition of all or part of an account pursuant to a pledge;

(9) "proof of death" includes a death certificate or record or report which is prima facie proof of death;

(10) "P&O&D& account" means an account payable on request to one person during lifetime and on his death to one or more P&O&D& payees, or to one or more persons during their lifetimes and on the death of all of them to one or more P&O&D& payees;

(11) "P&O&D& payee" means a person designated on a P&O&D& account as one to whom the account is payable on request after the death of one or more persons;

(12) "request" means a proper request for withdrawal, or a check or order for payment, which complies with all conditions of the account, including special requirements concerning the necessary signature or number of signatures of the parties to the account which may be required for a proper request and regulations of the financial institution; but if the financial institution conditions withdrawal or payment on advance notice, for purposes of Sections 27 through 38 of this Act, the request for withdrawal or payment is treated as immediately effective and a notice of intent to withdraw is treated as a request for withdrawal;

(13) "sums on deposit" means the balance payable on a multiple-party account including interest, dividends, and in addition any deposit life insurance proceeds added to the account by reason of the death of a party;

(14) "trust account" means an account in the name of one or more parties as trustee for one or more beneficiaries where the relationship is established by the form of the account and the deposit agreement with the financial institution and there is no subject of the trust other than the sums on deposit in the account; it is not essential that payment to the beneficiary be mentioned in the deposit agreement. A trust account does not include a regular trust account under a testamentary trust or a trust agreement which has significance apart from the account, or a fiduciary account arising from a fiduciary relation such as attorney-client;

(15)"withdrawal" includes payment to a third person pursuant to check or other directive of a party;

(16) A financial institution "receives" an order or notice under this Act when it is duly delivered at the place of business at which the multiple-party account was originally established or at any other place held out by the financial institution as the place for receipt of such communication.

Section 27. A new section of KRS Chapter 391 is created to read as follows:

The provisions of Sections 28 to 30 of this Act concerning beneficial ownership as between parties, or as between parties and P&O&D& payees or beneficiaries of multiple-party accounts, are relevant only to controversies between these persons and their creditors and other successors, and have no bearing on the power of withdrawal of these persons as determined by the terms of account contracts. The provisions of Sections 33 to 38 of this Act govern the liability of financial institutions who make payments pursuant thereto, and their set-off rights.

Section 28. A new section of KRS Chapter 391 is created to read as follows:

(1) A joint account belongs, during the lifetime of all parties, to the parties in proportion to the net contributions by each to the sums on deposit, unless there is clear and convincing evidence of a different intent.

(2) A P&O&D& account belongs to the original payee during his lifetime and not to the P&O&D& payee or payees; if two or more parties are named as original payees, during their lifetimes rights as between them are governed by subsection (1) of this section.

(3) Unless a contrary intent is manifested by the terms of the account or the deposit agreement or there is other clear and convincing evidence of an irrevocable trust, a trust account belongs beneficially to the trustee during his lifetime, and if two or more parties are named as trustee on the account, during their lifetimes beneficial rights as between them are governed by subsection (1) of this section. If there is an irrevocable trust, the account belongs beneficially to the beneficiary.

Section 29. A new section of KRS Chapter 391 is created to read as follows:

(1) Sums remaining on deposit at the death of a party to a joint account belong to the surviving party or parties as against the estate of the decedent unless there is clear and convincing evidence of a different intention at the time the account is created. If there are two or more surviving parties their respective ownerships during lifetime shall be in proportion to their previous ownership interests under Section 28 of this Act augmented by an equal share for each survivor of any interest the decedent may have owned in the account immediately before his death; and the right of survivorship continues between the surviving parties.

(2) If the account is a P&O&D& account, on death of the original payee or of the survivor of two or more original payees, any sums remaining on deposit belong to the P&O&D& payee or payees if surviving, or to the survivor of them if one or more die before the original payee; if two or more P&O&D& payees survive, there is no right of survivorship in event of death of a P&O&D& payee thereafter unless the terms of the account or deposit agreement expressly provide for survivorship between them.

(3) If the account is a trust account, on death of the trustee or the survivor of two or more trustees, any sums remaining on deposit belong to the person or persons named as beneficiaries, if surviving, or to the survivor of them if one or more die before the trustee, unless there is clear and convincing evidence of a contrary intent; if two or more beneficiaries survive, there is no right of survivorship in event of death of any beneficiary thereafter unless the terms of the account or deposit agreement expressly provide for survivorship between them.

(4) In other cases, the death of any party to a multiple-party account has no effect on beneficial ownership of the account other than to transfer the rights of the decedent as part of his estate.

(5) A right of survivorship arising from the express terms of the account or under this section, a beneficiary designation in a trust account, or a P&O&D& payee designation, cannot be changed by will.

Section 30. A new section of KRS Chapter 391 is created to read as follows:

The provisions of Section 29 of this Act as to rights of survivorship are determined by the form of the account at the death of a party. This form may be altered by written order from any party able to request present payment without the joinder of any other party given to the financial institution to change the form of the account or to stop or vary payment under the terms of the account. The order must be signed by said party, received by the financial institution during the party's lifetime, and not countermanded by other written order of the same party during his lifetime.

Section 31. A new section of KRS Chapter 391 is created to read as follows:

Any transfers resulting from the application of Section 29 of this Act are effective by reason of the account contracts involved and this statute and are not to be considered as testamentary.

Section 32. A new section of KRS Chapter 391 is created to read as follows:

Financial institutions may enter into multiple-party accounts to the same extent that they may enter into single-party accounts. Any multiple-party account may be paid, on request to any one or more of the parties. A financial institution shall not be required to inquire as to the source of funds received for deposit to a multiple-party account, or to inquire as to the proposed application of any sum withdrawn from an account, for purposes of establishing net contributions.

Section 33. A new section of KRS Chapter 391 is created to read as follows:

Any sums in a joint account may be paid, on request, to any party without regard to whether any other party is incapacitated or deceased at the time the payment is demanded; but payment may not be made to the personal representative or heirs of a deceased party unless proof of death is presented to the financial institution showing that the decedent was the last surviving party or unless there is no right of survivorship under Section 29 of this Act.

Section 34. A new section of KRS Chapter 391 is created to read as follows:

Any P&O&D& account may be paid, on request, to any original party to the account. Payment may be made, on request, to the P&O&D& payee or to the personal representative or heirs of a deceased P&O&D& payee upon presentation to the financial institution of proof of death showing that the P&O&D& payee survived all persons named as original payees. Payment may be made to the personal representative or heirs of a deceased original payee if proof of death is presented to the financial institution showing that the deceased original payee was the survivor of all other persons named on the account either as an original payee or as P&O&D& payee.

Section 35. A new section of KRS Chapter 391 is created to read as follows:

Any trust account may be paid, on request, to any trustee. Unless the financial institution has received written notice that the beneficiary has a vested interest not dependent upon his surviving the trustee, payment may be made to the personal representative or heirs of a deceased trustee if proof of death is presented to the financial institution showing that the deceased trustee was the survivor of all other persons named on the account either as trustee or beneficiary. Payment may be made, on request, to the beneficiary upon presentation to the financial institution of proof of death showing that the beneficiary or beneficiaries survived all persons named as trustees.

Section 36. A new section of KRS Chapter 391 is created to read as follows:

Payment made pursuant to Sections 32 through 35 of this Act discharges the financial institution from all claims for amounts so paid whether or not the payment is consistent with the beneficial ownership of the account as between parties, P&O&D& payees, or beneficiaries, or their successors. The protection here given does not extend to payments made after a financial institution has received written notice from any party to the effect that withdrawals in accordance with the terms of the account should not be permitted. Unless the notice is withdrawn by the person giving it, any other party to the account and the successor of any deceased party must concur in any demand for withdrawal if the financial institution is to be protected under this section. No other notice or any other information shown to have been available to a financial institution shall affect its right to the protection provided here. The protection here provided shall have no bearing on the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of funds in, or withdrawn from, multiple-party accounts.

Section 37. A new section of KRS Chapter 391 is created to read as follows:

Without qualifying any common law or any other statutory right to set-off or lien and subject to any contractual provision, if a party to a multiple-party account is indebted to a financial institution, the financial institution has a right to set-off against the account in which the party has or had immediately before his death a present right of withdrawal without the joinder of any other party. The amount of the account subject to set-off is that proportion to which the debtor is, or was immediately before his death, beneficially entitled, and in the absence of actual knowledge of net contributions by the financial institution, to an equal share with all parties having present rights of withdrawal without the joinder of any other party.

Section 38. A new section of KRS Chapter 391 is created to read as follows:

(1) Any of the following provisions in an insurance policy, contract of employment, bond, mortgage, promissory note, deposit agreement, pension plan, trust agreement, conveyance or any other written instrument effective as a contract, gift, conveyance, or trust is deemed to be nontestamentary, and this Act does not invalidate the instrument or any provision;

(a) that money or other benefits theretofore due to, controlled or owned by a decedent shall be paid after his death to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently;

(b) that any money due or to become due under the instrument shall cease to be payable in event of the death of the promisee or the promissor before payment or demand; or

(c) that any property which is the subject ot the instrument shall pass to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently.

(2) Nothing in this section limits the rights of creditors under other laws of this state.

Section 39. KRS 387.010 is amended to read as follows:

As used in this Act, unless the context requires otherwise:

(1) "Person of unsound mind" *means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or to manage his estate.* [means an idiot, lunatic, one who from confirmed bodily infirmity is unable to make known to others by speech, sign, or otherwise his thoughts or desires, and by reason thereof is incompetent to manage his estate, or one whose mind because of an infirmity or old age has become so imbecile or unsound as to render him incompetent to manage his estate.]

(2) "Infant" or "minor" means any person who has not reached the age of eighteen.

*(3) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against a trust estate or the estate of a minor or person of unsound mind. It also includes persons having priority for appointment as fiduciaries.*

*(4) "Visitor" is an officer, employe or special appointee of the court with no personal interest in the proceedings who is trained in law, nursing, social work or possessing other appropriate skills deemed necessary by the court to conduct an investigation in proceedings under this chapter.*

Section 40. KRS 387.220 is amended to read as follows:

(1) A committee shall not be appointed for a person of unsound mind who is a resident of this state, unless he has been found to be such by the judgment of the circuit or county court of the county of his residence upon the inquest of a jury, as provided by law, or, if a nonresident, by the judgment of a court of competent jurisdiction in the county of his residence.

(2) In all inquests relating to persons alleged to be of unsound mind, the court shall cause an oath to be administered to the jury in such form as to ascertain by the verdict whether the person, by reason of unsound mind, is incompetent to manage his estate, and also what estate he owns in possession, reversion or remainder, and the value thereof.

*(3) The court prior to the inquest may appoint a visitor to interview the person alleged to be of unsound mind. The court may also cause the visitor to interview the person seeking appointment and visit the present place of abode of the person alleged to be of unsound mind and the place it is proposed that he will be detained or reside if the requested appointment is made. Upon such appointment the visitor shall submit a report in writing to the court.*

Section 41. KRS 387.025 is amended to read as follows:

*Any interested person may petition the court for the appointment of a guardian or committee but before an appointment is made, the petitioner* [Before being appointed as guardian or committee, every person] shall make and file in duplicate a written application under oath, which must state the name, age and residence of the ward, the ward's husband or wife and each of the ward's parents, or if there be no spouse or parents [living in the State] the names, ages and residence of the next of kin, the name of the person having custody of the ward, a brief description of the ward's estate and its probable value, and the estimated annual income therefrom. A duplicate copy of said application shall be mailed by the Clerk to the Commissioner of Revenue of the State of Kentucky. The court shall thereupon appoint a time for hearing such application. Notice thereof shall be given to the minor if more than fourteen years of age; to the person having custody of the ward; to the husband or wife and each parent of the ward, or if none, to the next of kin residing in the State in the manner provided in KRS 395.016.

Section 42. KRS 389.010 is amended to read as follows:

(1) The real property or any right, title or interest in real property of a person under the age of eighteen years, or of a person of unsound mind, whether such person be a resident or a nonresident of this state, may be sold under or by decree of a court of equity of the county in which the property or any part thereof is situated for any purpose deemed by the chancellor to be necessary or proper or beneficial to such person under disability.

(2) The decree may be rendered on a petition, counter-claim or cross-petition filed by the statutory guardian of an infant, or by the committee of a person of unsound mind, or by a next friend, or by any party against a guardian or committee, if he have one residing in this state, in any kind of similar proceeding that may be maintained against a person who is not under disability.

(3) Except in actions brought under subsection (13) of this section, if the guardian or committee of a person under disability be a party to the action, then it shall not be necessary for the person under disability to be made a party personally.

(4) If the guardian or committee of a person under disability be not a party to the action, then it shall be necessary for the person under disability to be a party personally and brought before the court in the manner authorized by the Rules of Civil Procedure.

(5) Nothing contained in subsections (2), (3) and (4) of this section shall limit the purposes of sale named in subsection (1) of this section.

(6) If the suit be filed against a guardian or committee and he shall fail to appear and defend or show that no good defense can be made, the court shall appoint a guardian ad litem to do so.

(7) The pleading seeking a sale shall file the title papers, or copies thereof, under which the property is held; shall particularly describe the property and the interest therein of the person under disability; set forth fully the reasons or purposes for which it is sought to have the same sold; and the nature and extent of all liens upon the interest of the person, if any, so far as the same may be known to the petitioner.

(8) The case may be referred by order of court to the master commissioner for hearing of evidence and report on the facts and his recommendation with respect to the relief sought in the pleadings.

(9) The allegations of the pleading shall not be taken as confessed but shall be proved by competent evidence heard on deposition or orally by the chancellor or commissioner. A transcript thereof shall be filed as part of the record.

(10) The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the circuit court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book; provided, that if the circuit court, upon examination of a certified copy of the bond executed in the county court of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine, in its discretion, that said bond is adequate and sufficient, the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court, and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the clerk of the county court in which it was executed.

(11) Subject to the above conditions, judgment may be rendered and executed in the same manner and on the same terms as judgments in similar cases where no person under disability is a party.

(12) Provided, that (a) the court may in its discretion *in an ex parte or adversary proceeding* authorize the guardian or committee of such person or the commissioner of the court to make said sale at public auction upon such terms and conditions as the court may order, and to convey title thereto; or (b) if the land or interest to be sold be of an appraised value of less than twenty-five hundred dollars, the court may in the judgment authorize such fiduciary to make the sale privately and convey title; subject, however, to the approval of the chancellor before consummation.

(13) Without previous judicial proceeding or judgment the guardian of an infant or the committee of a person of unsound mind may sell privately or at public auction and convey any interest in real estate owned by a ward for such reasons and purposes and upon such terms and conditions as he shall deem best for the interest of said ward. Provided, however, that no such sale shall be consummated until same shall have been approved by the judge of the circuit court in the county where the land or a portion thereof is situated in a suit in equity filed by the guardian or committee against said infant or person of unsound mind. The petition shall set forth the reason and purposes of the sale and the terms thereof.

(14) If the person under disability be brought before the court by service of summons, a guardian ad litem shall be appointed for such person. Proof shall be taken only on notice to said guardian ad litem or, if the person under disability be constructively summoned, on notice to his warning order attorney. Proof may be taken by depositions or orally before the chancellor and thereafter transcribed and filed in the record of the case. The guardian ad litem or warning order attorney shall make a defense or file a report stating that after careful examination of the case he is unable to make a defense.

(15) If the chancellor shall deem the sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book; provided, if the share of the infant in the proceeds does not exceed one hundred dollars, exclusive of interest, no bond shall be required of the guardian; provided further, that if the circuit court, upon examination of a certified copy of the bond executed in the county of his appointment by the guardian or committee, which copy shall be filed in the circuit court; should determine in its discretion that said bond is adequate or sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the clerk of the county court in which it was executed. This proceeding shall be tried and judgment rendered in accordance with the Rules of Civil Procedure.

(16) The court shall at all times enter such orders as will conserve and protect the rights of the person under disability.

(17) No defect or error in the proceeding shall render the judgment or sale void unless the same is of the nature and character that would render the proceeding void if all parties were sui juris.

Section 43. A new section of KRS Chapter 386 is created to read as follows:

Sections 43 through 52 of this Act may be cited as the "Uniform Trustees' Powers Act."

Section 44. A new section of KRS Chapter 386 is created to read as follows:

As used in Sections 45 through 52 of this Act:

(1) "Trust" means an express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both; "trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree of a court, a liquidation trust, or a trust for the primary purpose of paying dividends, interests, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

(2) "Trustee" means an original, added, or successor trustee;

(3) "Prudent man" means a trustee whose exercise of trust powers is reasonable and equitable in view of the interests of income or principal beneficiaries or both, and in view of the manner in which men of ordinary prudence, diligence, discretion, and judgment would act in the management of their own affairs.

Section 45. A new section of KRS Chapter 386 is created to read as follows:

(1) The trustee has all powers conferred upon him by the provisions of this Act unless limited in the trust instrument.

(2) An instrument which is not a trust under Section 44(1) may incorporate any part of this Act by reference.

Section 46. A new section of KRS Chapter 386 is created to read as follows:

(1) From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent man would perform for the purposes of the trust including but not limited to the powers specified in subsection (3).

(2) In the exercise of his powers including the powers granted by this Act, a trustee has a duty to act with due regard to his obligation as a fiduciary, including a duty to give consideration to available tax exemptions, deductions, or credits for tax purposes. "Tax" includes, but is not limited to, any federal, state, or local income, gift, estate, or inheritance tax.

(3) A trustee has the power, subject to subsections (1) and (2) of this section:

(a) to collect, hold, and retain trust assets received from a trustor until, in the judgment of the trustee, disposition of the assets should be made; and the assets may be retained even though they include an asset in which the trustee is personally interested;

(b) To receive additions to the assets of the trust;

(c) to continue or participate in the operation of any business or other enterprise, and to effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(d) to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest;

(e) to invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;

(f) to deposit trust funds in a bank, including a bank operated by the trustee;

(g) to acquire or dispose of an asset, for cash or on credit, at public or private sale; and to manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest therein; and to encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

(h) to make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings;

(i) to subdivide, develop, or dedicate land to public use; or to make or obtain the vacation of plats and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration;

(j) to enter for any purpose into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust;

(k) to enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(l) to grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset;

(m) to vote a security, in person or by general or limited proxy;

(n) to pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;

(o) to sell or exercise stock subscription or conversion rights; to consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(p) to hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the security may pass by delivery, but the trustee is liable for any act of the nominee in connection with the stock so held;

(q) to insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons;

(r) to borrow money to be repaid from trust assets or otherwise; to advance money for the protection of the trust, and for all expenses, losses, and liability sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;

(s) to pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible;

(t) to pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust;

(u) to allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence, or amortization, or for depletion in mineral or timber properties;

(v) to pay any sum distributable to a beneficiary under legal disability, without liability to the trustee, by paying the sum to the beneficiary or by paying the sum for the use of the beneficiary either to a legal representative appointed by the court, or if none, to a relative;

(w) to effect distribution of property and money in divided or undivided interests and to adjust resulting differences in valuation;

(x) to employ persons, including attorneys, auditors, investment advisors, or agents to advise or assist the trustee in the performance of his administrative duties; to act without independent investigation upon their recommendations; and instead of acting personally, to employ one or more agents to perform any act of administration, whether or not discretionary;

(y) to prosecute or defend actions, claims, or proceedings for the protection of trust assets and of the trustee in the performance of his duties;

(z) to execute and deliver all instruments which will accomplish or facilitate the exercise of the powers vested in the trustee.

Section 47. A new section of KRS Chapter 386 is created to read as follows:

The trustee shall not transfer his office to another or delegate the entire administration of the trust to a cotrustee or another.

Section 48. A new section of KRS Chapter 386 is created to read as follows:

(1) This Act does not affect the power of a court of competent jurisdiction for cause shown and upon petition of the trustee or affected beneficiary and upon appropriate notice to the affected parties to relieve a trustee from any restrictions on his power that would otherwise be placed upon him by the trust or by this Act.

(2) If the duty of the trustee and his individual interest or his interest as trustee of another trust, conflict in the exercise of a trust power, the power may be exercised only by court authorization (except as provided in Section 46, subsections (3)(a), (d), (f), (r), and (x) upon petition of the trustee. Under this section, personal profit or advantage to an affiliated or subsidiary company or association is personal profit to any corporate trustee.

Section 49. A new section of KRS Chapter 386 is created to read as follows:

(1) Any power vested in three (3) or more trustees may be exercised by a majority, but a trustee who has not joined in exercising a power is not liable to the beneficiaries or to others for the consequences of the exercise; and a dissenting trustee is not liable for the consequences of an act in which he joins at the direction of the majority of the trustees, if he expressed his dissent in writing to any of his cotrustees at or before the time of the joinder.

(2) If two (2) or more trustees are appointed to perform a trust, and if any of them is unable or refuses to accept the appointment, or, having accepted, ceases to be a trustee, the surviving or remaining trustees shall perform the trust and succeed to all the powers, duties, and discretionary authority given to the trustees jointly.

(3) This section does not excuse a cotrustee from liability for failure either to participate in the administration of the trust or to attempt to prevent a breach of trust.

Section 50. A new section of KRS Chapter 386 is created to read as follows:

With respect to a third person dealing with a trustee or assisting a trustee in the conduct of a transaction, the existence of trust powers and their proper exercise by the trustee may be assumed without inquiry. The third person is not bound to inquire whether the trustee has power to act or is properly exercising the power; and a third person, without actual knowledge that the trustee is exceeding his powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers he purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the trustee.

Section 51. A new section of KRS Chapter 386 is created to read as follows:

Except as specifically provided in the trust, the provisions of this Act apply to any trust established after the effective date of this Act.

Section 52. A new section of KRS Chapter 386 is created to read as follows:

This Act shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.

Section 53. A new section of KRS Chapter 395 is created to read as follows:

The powers set forth in Sections 24 and 25 of this Act shall not be effective as to wills executed prior to the effective date of this statute nor to personal representatives.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Banking and Insurance: **SB 220.**

Cities: **SB 226**

Counties and Special Districts: **HB 748, HB 621, HB 740.**

Judiciary-Statutes: **HB 722, HB 258, HB 603.**

State Government: **HB 712.**

Aprpopriations and Revenue: **HB 393, HB 684, HB 791.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Counties and Special Districts: **HB 424, HB 420, HB 399.**

## Report of Committees

The Committee on Rules reported **HB 93** with Committee Substitute and Committee Amendment attached thereto, **HB 137** with Committee Substitute attached thereto, **HB 138** with Committee Substitute attached thereto, HB 172, **HB 315** with Committee Amendment attached thereto, **HB 333, HB 453** with Committee Substitute attached thereto, **HB 471, HB 560, HB 562, HB 567, HB 573, HB 599, HB 631, HB 694, HB 732** with Committee Amendment attached thereto, **HR 58, HJR 66, SB 100** with Committee Amendment attached thereto, **SB 118** with Committee Amendments attached thereto. **SB 147** and **SB 181** have been posted for passage on March 5, 1976.

The Committee on Rules has recommitted the following:

Judiciary-Statutes: **HB 320, HB 510.**

State Government: **HB 277, HB 546, HB 173.**

## Calendar

**HB 244** with Committee Amendment attached thereto, **HB 390, HB 465, HB 547, HB 583, HB 613** with Committee Amendment attached thereto, **HB 674, HB 675, HB 678, HB 695** with Committee Amendment attached thereto, **HB 698, HB 713, HB 28, HB 371, HB 484, HB 559** with Committee Amendment attached thereto, **HB 644, SB 75ca, SB 145, SB 151, HB 201, HB 234, HB 402, HB 417, HB 636, HB 648, SCR 23, HB 524, SB 159, SB 160, HB 587** with Committee Amendment attached thereto, **HB 731** with Committee Amendment attached thereto, **SB 162** with Committee Amendment attached thereto, SB 58 with Committee Amendment attached thereto, **HB 519, HB 525** with Committee Amendment attached thereto, **HB 699, HB 676,** and **HB 677** taken from the Calendar and ordered read at length for the second time. Representative B. Richardon moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

## Motions, Petitions and Communications

Representative Pearl moved the adoption of the following **HR 85:**

**HR 85**, A RESOLUTION recommending that the Kentucky Bicentennial Commission adopt "Uncle Sam, God Bless Your Soul" as the state bicentennial song.

WHEREAS, patriotic music has been a driving, spiritual force throughout the development of this great nation, providing encouragement and inspiration amid the throes of war, depression and moral crisis; and

WHEREAS, there is no more fitting way to pay homage to the blessings of freedom and democracy than through a stirring rendition of a patriotic song; and

WHEREAS, "Uncle Sam, God Bless Your Soul" was written in part by a Hardin County resident; and

WHEREAS, it is indeed extremely fitting that a song commemorating the bicentennial should have been written by one of our own Kentuckians;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the recommendation be made to the state bicentennial commission to adopt "Uncle Sam, God Bless Your Soul" as the state bicentennial song.

Section 2. That the House clerk be directed to send copies of this resolution to the chairman of the state bicentennial commission and to Mr. Charles Langley of Hardin County, Kentucky.

Agreed.

Representative DeMarcus requested that he be recorded as voting "yea" on **HB 558.**

Representative Deskins moved the adoption of the following Legislative Citation No. 44:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Pikeville College Bears for their 90-85 victory over the Kentucky State University Thoroughbreds on March 3rd, 1976. This body congratulates these fine basketball players and the coaching staff, and extends best wishes to them in the National Association of Intercollegiate Athletics Tournament in Kansas City, Missouri on March 8-13, 1976. (Sponsored by Representatives Deskins and Little)

Agreed.

Representative Hughes moved that a call of the roll be taken to show co-sponsors of **HB 799.** Agreed.

The following members voted to co-sponsor **HB 799:** Ackerson, Bendl, Bennett, Blythe, Boatwright, Brinkley, Carpenter, DeFalaise, Dietz, Floyd, Gray, Guenthner, Imes, Kidd, McGill, Morris, Muncy, Nett, Tobin, Vincent, Wible, Wooden, Wright, Yates.

Representative Holbrook moved the adoption of the following Legislative Citation No. 42:

The House of Representatives of the Commonwealth of Kentucky hereby honors Miss Tina Hill as an outstanding citizen of the Commonwealth and congratulates her on her selection as Miss Ashland. This body extends best wishes to the lovely young lady from Morehead University for a pleasant and prosperous year as Miss Ashland. (Sponsored by Representatives Holbrook and Cyrus)

Agreed.

Representative Mason moved that **HB 548** be removed from the Clerk's desk and placed in Orders of the Day. Agreed.

The following members filed Floor Amendments: Representative B. Richardson,, Floor Amendment No. 1 to **HB 698;** Representative Schmidt, Floor Amendment No. 1 to **HB 383;** Representative Wible, Floor Amendment No. 1 to **HB 137;** Representative B. Richardson, Floor Amendment No. 1 to **HB 713;** Representative Blume, Floor Amendment No. 1 to **SB 118;** Representative McGill, Floor Amendment No. 2 to

**HB 107**; Representative Stephens, Floor Amendment No. 1 to **HB 422;** Representative Clarke, Floor Amendment No. 2 to **HB 698;** Representative Clarke, Floor Amendment No. 1 to **HB 676, HB 677;** Representative Holbrook Floor Amendment No. 2 to **HB 361;** Representative Morris, Floor Amendment No. 1 to **SB 151.**

## Orders of the Day

Representative B. Richardson moved that consideration of **HB 436** be deferred and that it retain its position in Orders of the Day. Agreed.

**HJR 24** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HJR 24:**

Amend printed copy of House Joint Resolution 24 on page 1, line 3, following "1980" delete the period [.] and after "1980" insert the following language "*if funds are available.*"

Agreed.

Representative Bevins moved that **HJR 24,** as amended, be passed.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-W. Allen, Pearl.

**HJR 24,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 24,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 141** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 141** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 141** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 422** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 467** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **HB 467** be passed.

Representative Beshear moved that **HB 467** be laid on the table.

On the roll call the vote was yeas 44-A. S. Adams, W. Allen, Arnold, Bendl, Beshear, Blair, Boatwright, Brinkley, Brown, Bruce, Burnette, Clarke, Cooper, Crupper, Dawahare, DeMarcus, Denham, Dietz, Foster, Freeman, Hancock, Hardwick, Holloway, Hopkins, Hughes, Hurst, Imes, Jones, McGill, Morris, Nett, O'Brien, Rattliff, P. Richardson, Robinson, Sale, Siler, Tobin, Thomas, Vincent, Wells, White, Wible, Wright. Nays 37-Ackerson, B. Adams, J. Allen, Bennett, Benson, Blume, Craddock, Cyrus, DeFalaise, Deskins, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Holbrook, Isler, Kenton, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, Morgan, Muncy, Pearl, Priddy, Richards, B. Richardson, Siemens, Stephens, R. Turner, Wooden, Yates.

**HB 467** was tabled.

**HB 517** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Tobin, R. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 517** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 517** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 564** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved that **HB 564** be passed.

On the roll call the vote was yeas 69-B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, Craddock, Crupper, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Head, Holbrook, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Pearl, Richards, B. Richardson, P. Richardson, Robertson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden. Nays 14-Ackerson, W. Allen, Burnette, Cooper, Cyrus, DeMarcus, Guenthner, Holloway, Hughes, Imes, O'Brien, Priddy, Wright, Yates.

**HB 564** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 564** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 585** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the Committee Amendment to **HB 585.** Agreed.

Representative King moved that **HB 585**, as amended, be passed.

On the roll call the vote was yeas 74-Ackerson, B. Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gray, Hardwick, Head, Holbrook, Hughes, Hurst, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 7-Guenthner, Hancock, Holloway, Imes, Jones, P. Richardson, Stephens.

**HB 585** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 585**, as amended, was passed be reconsidered and said motion be postponed indefinitiely. Agreed.

**HB 593** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved the adoption of the Committee Amendment No. 1 to **HB 593.** Agreed.

Representative Wible moved that **HB 593**, as amended, be passed.

On the roll call the vote was yeas 86-A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-Brown, Foster.

**HB 593**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 593**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 646** be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 17** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **SB 17** be passed.

On the roll call the vote was yeas 94-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Carpenter.

**SB 17** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 17** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **SB 113** be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 167** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 90-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Tobin.

**SB 167** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 167** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 548** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 67:**

Amend printed copy of House Bill 67 as follows:

On page 1, line 7, by adding after "43.070(1)" the following "(a) and".

Agreed.

Representative B. Richardson moved that **HB 67,** as amended, be passed.

On the roll call the vote was yeas 76-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Maynard, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 67,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 67,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House not concur in the following Senate Committee Substitute to **HB 212:**

**HB 212,** AN ACT relating to life insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.15-020 is amended to read as follows:
(1) "Industrial life insurance" is that form of life insurance written under policies of face amount of $3,000 or less issued on the basis of an industrial mortality table, and under which premiums are payable monthly or more often.

(2) "Wholesale life insurance" is that plan of life insurance, other than salary savings life insurance or pension trust insurance and annuities, under which individual policies are issued to the employes of any employer and where such policies are issued on the lives of not less than four (4) employes at date of issue. Premiums for such policies shall be paid either wholly from the employer's funds, or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employes.

*(3) "College life insurance" is that form of life insurance sold to college students, the initial premiums for which are financed by a promissory note.*

Section 2. KRS 304.15-050 is amended to read as follows:

*(1)*There shall be a provision relating to the time and place of payment of premiums.

*(2) There shall be a provision which shall state in substance that the policy may be returned by the policy-owner to the company, within a period of not less than ten days after its receipt to the company or to the agent through whom it was purchased. Immediately upon any such delivery, or mailing, of the policy to the company or agent, the policy will be deemed void from its inception and any premium paid for such policy shall be promptly returned to the policyowner by the company. This subsection shall not apply to policies of credit life insurance, policies issued under tax qualified pension plans, or policies issued pursuant to a policy exchange or conversion privilege.*

Section 3. A new section of Subtitle 15 of KRS Chapter 304 is created to read as follows:

No college life insurance policy shall be sold or delivered in this Commonwealth unless the following provisions are complied with:

(1) A letter of acceptance, on a form approved by the Commissioner is presented to the proposed insured, setting forth the conditions concerning the financing agreement, the due date of the note, the amount of the note, the annual rate of interest on the note, and the annual premium on the policy;

(2) The acceptance letter must be signed by the proposed insured, agreeing that he has read and understands the conditions, a copy to be retained by the insured, and a copy to be retained by the agent and company;

(3) A copy of a financing arrangement is to be attached to and made a part of the contract.

Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 211:**

Amend printed copy of House Bill 211 as follows:

On page 1, line 1, by deleting the number "14" and substituting in lieu thereof the number "17".

Agreed.

Representative B. Richardson moved that **HB 211,** as amended, be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Wells, White, Wible, Wright, Yates. Nays 2-Robinson, Vincent.

**HB 211,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 178:**

Amend printed copy of House Bill 178 as follows:

On page 1, line 6, by adding "*tobacco products*" following the word "smokes" and on Page 1, line 9, by adding "*in secondary schools*" following the word "areas" and by adding "*and supervised*" following the word "designated"

and on Page 1, line 12f, after the word "dollars."

and at the end of line 11, add a new sentence reading:

"The exception granted for smoking areas designated by the superintendent or principal shall extend only to schools located in counties containing a first class city, a second class city, or urban county government."

Rejected.

Representative B. Richardson moved that the House concur in the following Sneate Committee Substitute to **HB 150:**

**HB 150,** AN ACT relating to judicial districts.

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population involved in the division of the state into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

(1) That the entire population of the state as of the last preceding Federal census was 3,220,711 as of March 15, 1975.

(2) That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 112 and 113 of the Constitution.

(3) That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and interest of the Constitution with respect to population and expedite the business in the counties involved, to create a new judicial district.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Third Judicial District shall hereafter be composed of Christian County.

Section 2. The Fourth Judicial District shall hereafter be composed of Hopkins County.

Section 3. The Forty-Second Judicial District shall hereafter be composed of the counties of Calloway and Marshall.

Section 4. A new Judicial District is established to consist of the counties of Caldwell, Livingston, Lyon and Trigg.

Section 5. The present circuit judge and commonwealth's attorney for the Third, Fourth and Forty-Second Judicial Districts shall retain their offices for the terms for which they were elected for the district as it has been changed under this Act.

Section 6. The offices of circuit judge and commonwealth's attorney for the new judicial district established by this section are created.

Section 7. Until the regular election for circuit judge and commonwealth's attorney, these offices for the newly created district shall be filled as provided in Sections 118 and 152 of the Constitution for offices in which there is a vacancy.

Section 8. At the regular election in 1981 and every six years thereafter there shall be elected a commonwealth's attorney for the newly created judicial district, and at the regular election in 1983 and every eight years thereafter there shall be elected a circuit judge for the newly created judicial district.

Section 9. Whereas, due to the term of the court, an emergency is declared to exist, and this Act shall become effective March 15, 1976.

Agreed.

Representative B. Richardson moved that **HB 150,** as amended, be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wright. Nays 0.

**HB 150,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 150,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 337** be deferred and that it retain its position in Orders of the Day. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 33, SB 28, SB 101, SB 119, SB 150, SB 99, HB 17,** and **HB 252** had been examined and found correctly enrolled. **SB 33, SB 28, SB 101, SB 119, SB 150, SB 99, HB 17,** and **HB 252** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

The Speaker vacated the Chair.

Representative Hughes, presiding.

## Announcements

Representative Clarke moved that the rules be suspended to waive the time element for posting **HB 788.** Agreed.

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions, Report of Committees, and Posting of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 814,** by Representative Robinson: AN ACT relating to the issuance of a citation by a peace officer.

**HB 815,** by Representative Robinson: AN ACT relating to motor vehicles.

**HB 816,** by Representative B. Richardson: AN ACT relating to the State Commission for Postsecondary Education.

**HB 817,** by Representatives Lindsay and May: AN ACT relating to regional community mental health programs.

**HB 818,** by Representative Fitzgerald: AN ACT relating to conduct of schools.

## Report of Committees

The Committee on Judiciary-Statutes reported **SB 110,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 110,** AN ACT relating to commonwealth and county attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 69.010 is amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the commonwealth's attorney shall attend each circuit court held in his district, and prosecute all violations of the criminal and penal laws therein. He shall, except in Franklin County, attend to all civil cases and proceedings in which the commonwealth is interested in the circuit courts of his district. In civil cases the governor may employ counsel to assist the commonwealth's attorney. The fees of the counsel employed by the governor shall be paid out of the state treasury upon a voucher signed by the governor.

(2) In each circuit court district containing a city of the first or second class or an urban-county government, the commonwealth's attorney shall be a full-time presecutor who shall not engage in the private practice of law, nor shall he engage in any other business that would conflict with the duties of his office.

(3) The duties of the commonwealth's attorney provided for in subsection (2) of this section shall be the same as the duties of the commonwealth's attorney provided for in subsection (1) of this section, except:

(a) He shall not be required to represent the commonwealth in any civil proceedings.

(b) He shall have the duty to prosecute all violations of the criminal and penal laws which are to be tried in circuit court in his district[. In addition, he shall have the duty to prosecute any preliminary proceedings of such violations including, but not necessarily limited to the duty to prosecute preliminary hearings wherever held] and the duty to present evidence to the grand jury concerning such violations. Further, he shall have the duty to represent the state in all appeals taken to the circuit court in his district from any inferior court.

Section 2. KRS 69.210 is amended to read as follows:

(1) The county attorney shall attend all county and fiscal courts held in his county and conduct all cases and business in those courts touching the rights or interests of the county, and when so directed by the county or fiscal court he shall institute, defend and conduct all civil actions in which the county is interested before any of the courts of the commonwealth.

(2) *The* [Except as provided for by KRS 69.010(3)(b),the] county attorney shall attend to the prosecution, in courts inferior to the circuit court, of all criminal and penal cases in his county in which the commonwealth or the county is interested, except those cases in a police court for which there is a prosecuting attorney who has the duty to prosecute such cases.

(3) The county attorney shall attend the circuit courts held in his county and aid the commonwealth's attorney in all prosecutions therein, and in the absence of the commonwealth's attorney he shall attend to all of the commonwealth's business in the circuit courts, except those felony cases for which a pro tem commonwealth's attorney is appointed under KRS 69.060.

(4) The county attorney shall give legal advice to the fiscal and county courts and the several county officers in all matters concerning any county business within their jurisdiction. He shall oppose all unjust or illegally presented claims.

(5) A county attorney serving in a county or urban-county which is part of a circuit court district described by KRS 69.010(2), in addition to the duties in subsections (1) through (4) of this section, shall have the following duties:

(a) He shall attend all civil cases and proceedings in his county in which the commonwealth is interested.

(b) He shall advise the collector of money due the commonwealth in the county in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. He shall be allowed ten per cent (10%) of the damages imposed by law and collected from the officers for such failure. In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county.

The House Committee Substitute for **SB 110** is as follows:

**SB 110,** AN ACT relating to county attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 69.210 is amended to read as follows:

(1) The county attorney shall attend all county and fiscal courts held in his county and conduct all cases and business in those courts touching the rights or interests of the county, and when so directed by the county or fiscal court he shall institute, defend and conduct all civil actions in which the county is interested before any of the courts of the commonwealth.

(2) Except as provided for by KRS 69.010 (3)(b), the county attorney shall attend to the prosecution, in courts inferior to the circuit court, of all criminal and penal cases in his county in which the commonwealth or the county is interested, except those cases in a police court for which there is a prosecuting attorney who has the duty to prosecute such cases.

(3) The county attorney shall attend the circuit courts held in his county and aid the commonwealth's attorney in all prosecutions therein, and in the absence of the commonwealth's attorney he shall attend to all of the commonwealth's business in the circuit courts, except those felony cases for which a pro tem commonwealth's attorney is appointed under KRS 69.060.

(4) The county attorney shall give legal advice to the fiscal and county courts and the several county officers in all matters concerning any county business within their jurisdiction. He shall oppose all unjust or illegally presented claims.

(5) A county attorney serving in a county or urban-county which is part of a circuit court district described by KRS 69.010(2), in addition to the duties in subsections (1) through (4) of this section, shall have the following duties:

(a) He shall attend all civil cases and proceedings in his county in which the commonwealth is interested.

(b) He shall advise the collector of money due the commonwealth in the county in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. He shall be allowed ten per cent (10%) of the damages imposed by law and collected from the officers for such failure. In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county.

*(6) Notwithstanding the exception set forth in subsection (2) of this section and notwithstanding any other provision to the contrary the county attorney in a county containing an urban-county government shall attend to the prosecuting in courts inferior to the circuit court of all criminal and penal cases in his county in which the commonwealth or the county is interested.*

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Education: **SB 103, SB 276.**

Health and Welfare: **HB 589, HB 691, HB 692, HB 693, HB 715, HB 717, HB 734.**

Judiciary-Statutes: **HB 774, HR 68.**

Public Utilities: **HB 292.**

Representative Kleier moved that the time limit for posting of **HB 577, HB 589, HB 690, HB 691, HB 692, HB 693, HB 715, HB 717,** and **HB 734** be waived. Agreed.

The following requests were received by the Clerk in regard to voting:

Representative Kleier: "Yea" on **SB 141, HJR 24, HB 564, HB 436, HB 517.**

Representative Imes: "Nay" on **HB 558.**

Representative Hopkins: "Yea" on **HB 585, HB 593.**

Representative Foster: "Nay" on **HB 160, HB 122;** "yea" on **HB 347.**

Representative Morris: "Yea" on **HJR 4.**

Representative Romines: "Nay" on **HB 444.**

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Doss, **HB 674, HB 675, HB 676, HB 677, HB 678;** Representative Burnette, **HB 587;** Representative Donnermeyer, **HB 813;** Representatives Kleier, Wooden, Nett, Dunn, Bendl, Bennett, McGill, Blume, and Benson, **HB 546.**

Representative Hopkins requested that his name be withdrawn as a co-sponsor of **HB 171.**

## Adjournment

Representative B. Richardson moved that the House adjourn until 10:00 a.m., Friday, March 5, 1976.

On the roll call the vote was yeas 36-Ackerson, Arnold, Bendl, Benson, Bevins, Boatwright, Brinkley, Brown, Carpenter, Craddock, Cyrus, DeFalaise, Donnermeyer, Doss, Dunn, Head, Holloway, Hughes, Isler, Kenton, Kidd, King, LeMaster, McBee, McGill, Morris, O'Brien, B. Richardson, Robinson, Schmidt, Siemens, Stephens, Tobin, Vincent, White, Yates. Nays 7-Beshear, Clarke, Deskins, Gray, Imes, Mann, Priddy.

The motion to adjourn was adopted.

## FRIDAY, MARCH 5, 1976

## FORTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend John Hunt, South Frankfort Presbyterian Church.

The roll was called. All present except Representative Romines.

Representative Isler moved that the absent member be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 4, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 86,** by Representative Wible: A RESOLUTION directing the Legislative Research Commission to study the feasibility of placing municipal utilities under the jurisdiction of the Public Service Commission.

**HR 87,** by Representatives B. Adams, Foster, Deskins and Tobin: A RESOLUTION directing the Legislative Research Commission staff in conjunction with the Joint Interim Committee on Banking and Insurance to conduct a study of the role of the agent in transacting insurance, his qualifications for appointment, the state's licensing requirements, and his duties and responsibilities to the insurance companies and to the insuring public.

**HR 88,** by Representatives J. Allen, Doss, and Brinkley: A RESOLUTION urging the adoption of Kentucky mine safety standards in conformity with the federal standards.

**HB 819,** by Representative Overstreet: AN ACT relating to the protection of the environment.

**HB 820,** by Representative Overstreet: AN ACT relating to the protection of the environment.

**HB 821,** by Representative DeFalaise: AN ACT relating to annexation.

**HB 822,** by Representative Benson: AN ACT relating to city attorneys.

**HB 823,** by Representative Priddy: AN ACT relating to unincorporated urban places.

**HB 824,** by Representative Siemens: AN ACT relating to sale of and practice of fitting hearing aids.

### Senate Message

Announcing passage of **SB 154, SB 224, SB 256, SB 258, SB 259, SB 329,** SB 336, **HB 76, HB 80** with Senate Amendment, **HB 186, HB 301, HB 431, HB 438, SB 217, SB 179, SB 168, SB 170, SB 254.**

### Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 811.**

Business Organizations and Professions: **HB 801, HB 787.**

Cities: **HB 802, HB 805, HB 806, HB 807, HB 808, HB 809, HB 812, HB 813, HCR 84.**

Education: **HB 803, HB 804, HB 816, HB 818.**

Elections and Constitutional Amendments: **SB 218.**

Health and Welfare: **HB 817.**

Highways and Traffic Safety: **HB 800.**

Judiciary-Statutes: **HB 814, HB 815, SB 148.**

Public Utilities and Transportation: **SB 244.**

State Government: **HB 799, HB 810.**

## Report on Enrolled Bills

**HB 17** and **HB 252** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Report of Committees

The Committee on Education reported **HB 590, HB 640, HB 666, HJR 60,** HJR 61, **HJR 71, SB 50, SB 84, SB 139, SJR 11,** and **SCR 14** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 590,** AN ACT relating to state universities and colleges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 164 is created to read as follows:

(1) When any person sixty-five (65) years of age or older, who is a resident of the Commonwealth, is admitted and enrolls as a student in any state-supported institution of higher learning in this Commonwealth, the Board of Trustees of the institution or other appropriate institution officials shall waive all tuition charges and fees for such student, except as provided in subsection (2) of this section.

(2) In the event that classes are full or the granting of free admission requires additional units, the institution may deny admission under this section.

**HB 640,** AN ACT relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 156.010 is amended to read as follows:

(1) The department of education shall consist of the state board of education and the superintendent of public instruction, who shall be the head of the department.

(2) The department of education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, [of] vocational education, *vocational* [and] rehabilitation [of West Kentucky Vocational School], the Kentucky School for the Blind and the Kentucky School for the Deaf, and may exercise *the general* [certain] powers and functions relating to *state vocational schools and area vocational educational centers for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed. The department of education shall exercise also those powers* [area vocation schools, and] relating to television in aid of education and other proper public functions, as provided in KRS 156.070.

(3) The Kentucky School for the Deaf advisory board and the state textbook commission are included in the department of education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

Section 2. KRS 156.070 is amended to read as follows:

(1) The state board of education shall have the management and control of the common schools, public vocational education *for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed,* [and] vocational rehabilitation, [West Kentucky Vocational School,] and the Kentucky School for the Blind.

(2) (a) It is hereby authorized to lease from the state property and buildings commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the commonwealth, and for incidental use in any other proper public functions. Any such lease may be for any initial term commencing with the date of such lease and ending with the next ensuing June 30 which is the close of the then current fiscal biennium of the commonwealth with exclusive options in favor of the board to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the state property and buildings commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which said state property and buildings commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring such television and related facilities, with appurtenances and such costs as may be incident to the issuance of such bonds.

(b) Each such option of the state board of education to renew the lease for succeeding biennial term may be exercised at any time after the adjournment of the session of the general assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the state property and buildings commission in writing, signed by the superintendent of public instruction, and delivered to the commissioner of the executive department for finance and administration as a member of said commission; Provided, however, That such option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the commissioner of the executive department for finance and administration before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The board shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one or more contracts to provide therefor, with any public agency and instrumentality of the commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the superintendent of public instruction and the department of education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the commonwealth. Any such contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any such contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the state property and buildings commission shall bind the board to pay rentals for more than one fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any such lease and to the cost of providing for the operation of such television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

(3) The state board of education may, on the recommendation and with the advice of the superintendent of public instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations published or distributed by the board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.

[(4) In its capacity as a board of control for the West Kentucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description.]

Section 3. KRS 156.180 is amended to read as follows:

The superintendent of public instruction may attend educational associations, conventions and conferences within or without the state for the purpose of keeping informed upon and familiar with progressive educational policies and practices. When thus engaged his traveling expenses shall be paid [, but his total expenses for that purpose shall not exceed fifteen hundred dollars ($1500) in any one (1) year].

Section 4. KRS 163.085 is amended to read as follows:

The state board of education is authorized to purchase, lease, or erect one or more buildings to be used as *state* [area] vocational schools at such sites and serving such areas *of the state* as, in the discretion of the board, will best meet the vocational education needs of the commonwealth. Such facilities for vocational education shall be operated in accordance with policies of the board and in accordance with the state plan for vocational education.

SECTION 5. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

Tuition and fees for secondary pupils enrolled in the state vocational-technical schools and area vocational education centers shall be free to all residents of Kentucky. The state board of education shall fix the rate of tuition and fees for post secondary pupils and adults who are enrolled in the state operated vocational-technical schools and area vocational education centers. The state board shall fix the rate of tuition and fees and the conditions on which post secondary pupils and adults who are not residents of Kentucky shall be admitted. The state board shall fix such incidental fees as it deems necessary to meet such incidental expenses of post secondary pupils and adults as may be incurred.

SECTION 6. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

There shall be a state advisory council on vocational education, consisting of a minimum of 21 members appointed by the governor, to advise and consult with the state board of education, superintendent of public instruction, and assistant superintendent for vocational education in the development of rules and regulations and annual state plan for the administration of vocational education. The council shall be responsible for holding public hearings on vocational education and evaluate significant areas of the state program of vocational education each year, prepare an annual report of its findings, then submit it through the state board of education to the United States commissioner of education and the national advisory council on vocational education in compliance with the provisions of the acts of Congress which are accepted for the purpose of supporting vocational education in Kentucky and the ensuring of compliance with the provision of KRS Chapters 156 and 163, which pertain to programs of vocational education in the commonwealth of Kentucky.

SECTION 7. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

All bequests or donations made for a specified use with regard to the state vocational education program, vocational education facilities, vocational education personnel, or present or prospective vocational education pupils shall be applied to that use and no other so long as it is consistent with appropriate Kentucky Revised Statutes and the state plan for vocational education.

Section 8. KRS 163.090, 163.100, 166.010, 166.040, 166.050, 166.060, 166.070, 166.080, 166.090, 166.100, 166.110, 166.120, 166.140, and 166.150 are repealed.

**HB 666,** AN ACT relating to instruction in economics in the public schools.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) Instruction in general economics with particular emphasis on developing an understanding of the free enterprise system shall be conducted in the public schools in conjunction with courses in any appropriate area of study.

(2) The department of education shall assist school districts in carrying out the provisions of subsection (1) of this Act by developing appropriate instructional materials, methods of instruction and methods of evaluating the effectiveness of such instruction.

**HR 60,** A JOINT RESOLUTION concerning the right of exceptional children in Kentucky to a free public education and directing the state board of education to provide such education.

WHEREAS, the general assembly recognizes the rights and needs of exceptional children in the commonwealth to be given the opportunity to obtain a quality education; and

WHEREAS, the commonwealth of Kentucky has established a statutory system of public education for the benefit of all children of the state; and

WHEREAS, children with physical, mental, emotional or learning handicaps have a right to inclusion in such system; and

WHEREAS, there is reason to believe that in the absence of a special education program in a local school district a child may benefit from an existing educational program within that district;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Kentucky state board of education is hereby directed to establish and continue to evaluate supervisory guidelines for all local school districts in implementing the laws and regulations of the commonwealth, the five year plans, and the provisions of this resolution, and is further directed to ensure that such laws, regulations, plans, and provisions are fully and equally enforced throughout the commonwealth with regard to the individual characteristics of each local school district.

Section 2. That the state board of education shall exercise, where appropriate, the authority to withhold public school foundation program funds from a local school district which does not conform to the consent agreement of civil action number 435, issued December 2, 1974, in the United States District Court for the Eastern District of Kentucky at Frankfort.

Section 3. That the state board of education shall establish procedures for identification of eligible exceptional children, notification of the parents or guardian of such children of the child's right to public educational opportunities, and the conducting of hearings and appeals for each exceptional child excluded from a local school system.

**HR 61,** A JOINT RESOLUTION directing the Legislative Research Commission, through the members and staff of the Interim Joint Committee on Education, to study certain issues related to education.

WHEREAS, the Constitution of the Commonwealth of Kentucky requires the General Assembly to provide for an efficient educational system; and

WHEREAS, such requirement must be carried out through proper legislative directives; and

WHEREAS, legislation which is appropriate for the administration of the state's educational system and which is suited to meet the needs of the students should be fully considered in its preparation; and

WHEREAS, a number of issues related to education have been identified as important topics of concern by the General Assembly and by the Governor; and

WHEREAS, a detailed analysis of such issues is necessary to evaluate the implementation of related legislation which has been enacted or to prepare proper legislation to meet the challenge of such educational issues;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission, through the members and staff of the Interim Joint Committee on Education, is hereby directed to conduct a study of certain issues related to education, as set forth in Section 2. With regard to those issues for which legislation has been enacted, the study shall include, but not be limited to, an evaluation of the procedures and programs implemented in response to the enactments. For those issues on which there currently exists no legislative directive, and on which the Interim Joint Committee on Education so determines such directive to be necessary, the study shall include, but not be limited to, information, research, and analysis required in the preparation of appropriate legislative proposals.

Section 2. That the education related issues to which the Interim Joint Committee on Education shall address its study include, but are not limited to:

(1) Those topics considered by the committee during the 1974-76 interim, upon which legislative proposals were considered or were pre-filed for introduction during the 1976 Regular Session of the General Assembly in the areas of educational organization and governance, goals of education, educational accountability, school tax levying authority, special education, additional funding for special education teacher training and recruitment, and career education; and

(2) Those topics presented to the General Assembly by the Governor, as listed and described in the publication entitled "State Government Issues" under cover letter dated January 28, 1976. Such issues, in addition to those noted in subsection (1) of this section, include: academic consortia, consumer education,

educational programs for state employes, effective use of educational television, public kindergarten, student financial assistance, regional education services, school transportation, school finance, vocational education, and retirement programs for teachers.

Section 3. That a report of the findings of such study, together with recommendations for further legislative action or directive, be submitted to the General Assembly prior to the 1978 Regular Session.

Section 4. Staff services to be utilized in completing this study are estimated to cost $30,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

**HR 71,** A JOINT RESOLUTION directing the state department of education to investigate and develop methods and a plan of implementation for correcting the problem of low achievement averages in basic skills.

WHEREAS, the need of children of the commonwealth of Kentucky to be educated in the basic skills is equal to that of the children of the rest of the nation; and

WHEREAS, our statewide assessment program shows that after the fourth grade the average achievement of the children of the commonwealth in basic skills falls progressively below the national average; and

WHEREAS, this condition has existed for several years and continues to exist;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The state department of education is hereby directed to conduct a thorough investigation of the existing condition wherein, after the fourth grade, the average achievement of the children of the commonwealth in basic skills falls progressively below the national average.

Section 2. The state department of education is further directed to develop feasible methods and a plan of implementation for correcting the problem of such low achievement averages. The state department of education shall deliver its report and plan of implementation to the interim committee on education not later than January 31, 1977.

**SB 50,** AN ACT relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new Section of KRS Chapter 158 is created to read as follows:

(1) In any public school instruction concerning the theories of the creation of man and the earth, and which involves the theory thereon commonly known as evolution, any teacher so desiring may include as a portion of such instruction the theory of creation as presented in the Bible, and may accordingly read such passages in the Bible as are deemed necessary for instruction on the theory of creation, thereby affording students a choice as to which such theory to accept.

(2) For those students receiving such instruction, and who accept the Bible theory of creation, credit shall be permitted on any examination in which adherence to such theory is propounded, provided the response is correct according to the instruction received.

(3) No teacher in a public school may stress any particular denominational religious belief.

(4) This section is not to be construed as being adverse to any decision which has been rendered by any court of competent jurisdiction.

**SB 84,** AN ACT relating to colleges in cities of the second class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.600 is amended to read as follows:

(1) There shall be a local advisory board for each community college, *except as provided in KRS 165.160.* Each local advisory board shall serve in an advisory capacity to the board and the head of the community college on the operation of the community college.

(2) Each local advisory board shall consist of nine (9) members, seven (7) of whom shall be appointed by the governor. The other two (2) local advisory board members shall be one (1) nonvoting member of the teaching faculty and one nonvoting member of the student body. An appointed member's term is four (4) years; however, when appointing the initial members of the local advisory boards, the governor may appoint some members for terms of less than four (4) years.

(3) The faculty member shall be on the teaching or research faculty of the community college. He shall be elected by secret ballot of all full-time faculty members of the community college. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the local advisory boards if they cease to be members of the teaching staff of the community college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(4) The student member shall be the president of the student body of the community college. If the president of the student body is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member.

(5) Local advisory board members shall receive no compensation for their services, but shall be paid for their actual and necessary expenses.

Section 2. KRS 165.160 is amended to read as follows:

(1) Cities of the second class may establish or acquire by lawful conveyance municipal colleges for the purpose of promoting public education. A college in a city of the second class shall not constitute a municipal college or receive support as provided in KRS 165.170 to 165.190 unless it is controlled by a board of trustees appointed by the mayor and legislative body of the city, and unless its principal work is the maintenance of courses affording instruction in such arts, sciences and professions and conferring such certificates of attainment as are authorized by other similar institutions of learning above the high school grade. *No advisory board shall be appointed for any college established pursuant to the provisions of this section, and the board of trustees of the college shall perform the functions of an advisory board in addition to its other functions.*

(2) If the college is supported by a municipal college support district, three (3) members of the board of trustees mentioned in subsection (1) shall be appointed by the governing body of the district.

**SB 139,** AN ACT relating to truancy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 159.150 is amended to read as follows:

*(1)* Any child who has been absent from school without valid excuse for more than three (3) days, *except as provided in subsection (2) of this section,* or tardy on more than three (3) days, is a truant. Any child who has been reported as a truant more than three (3) times is an habitual truant. Being absent for less than half of a school day shall be regarded as being tardy.

*(2) Any child who is required to be transported within a school district beyond the appropriately designated boundaries for the grade level school nearest to his place of residence in which space is available shall be exempt from the provisions of subsection (1) of this section.*

**SR 11,** A JOINT RESOLUTION directing the Legislative Research Commission to conduct a study of the statutes related to education.

WHEREAS, the Constitution of the Commonwealth of Kentucky requires the General Assembly to provide for an efficient system of schools in the state; and

WHEREAS, appropriate legislation is necessary to ensure a system of education capable of meeting the needs of all citizens of Kentucky desiring to take advantage of its opportunities; and

WHEREAS, it is the responsibility of the General Assembly to continually review and evaluate both the educational system and the Kentucky Revised Statutes which provide direction and authorization for the educational programs of the state; and

WHEREAS, the vast number of statutes relating to education and the division of such statutes into various Chapters of the Kentucky Revised Statutes make undertaking such review and evaluation a difficult task; and

WHEREAS, a detailed analysis of such statutes would provide the General Assembly with information relevant to making decisions regarding revision, amendment, or repeal of existing law, as well as determining the need for enactment of additional legislation;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission, through the members and staff of the Interim Committee on Education, and with the cooperation and assistance of the Cabinet of Education and the Arts and the Council on Public Higher Education, is hereby directed to conduct a study of the Kentucky Revised Statutes relating to education.

Section 2. That such study shall include, but not be limited to, the areas of review of education statutes relating to all levels of education; an evaluation of the relationship of existing statutes to the current program of education in the state; the relationship of existing statutes to judicial decisions, as such decisions may require amendment or repeal of statutes; and the division of education statutes into several Chapters of the Kentucky Revised Statutes.

Section 3. That a report of the findings of such study, together with recommendations on revision, amendment, or repeal of existing education statutes, be made to the General Assembly prior to the 1978 Regular Session.

Section 4. Staff services to be utilized in completing this study are estimated to cost $12,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

**SR 14,** A CONCURRENT RESOLUTION calling on the United States Congress to exempt Kentucky teachers' retirement checks from federal income taxes which would provide for an improved retirement system.

WHEREAS, the financial security of the 10,803 teachers receiving benefits is now threatened by inflation and the rising cost of living; and

WHEREAS, the exemption would increase monthly benefit payments which now average only three hundred and seven dollars per month; and

WHEREAS, teachers being historically underpaid, salaries would be significantly enhanced by the exemption.

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That the Congress of the United States is hereby called upon to exempt Kentucky teachers' retirement checks from federal income taxes for the improvement of the teachers' retirement system.

Section 2. That the Clerk be directed to send copies of this resolution to the President of the Senate, Speaker of the House, and members of the Kentucky delegation of the United States Congress.

The Committee on Appropriations and Revenue reported **HB 191** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Appropriations and Revenue reported **HB 170, HB 324,** HB 366 with Committee Amendment attached thereto, **HB 394** with Committee Amendment attached thereto, **HB 504** with Committee Substitute and Committee Amendment attached thereto, **HB 591** with Committee Amendment attached thereto, **HB 637, HB 743, HB 788, SB 116,** and **SB 144** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 170,** AN ACT relating to license fees or taxes on income of military personnel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 68.197 is amended to read as follows:

(1) The fiscal court of each county having a population of 50,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate not to exceed one per cent (1%) of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. Licenses imposed for regulatory purposes are not subject to such limitations as to form and amount. No public service company that pays an ad valorem tax is required to pay a license tax, and no license tax shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state, or in other cases where the county is prohibited by law from imposing a license tax.

(2) No such license fee shall be imposed or collected on income received by members of the Kentucky national guard *or of United States military reserve forces* for active duty training, unit training assemblies and annual field training.

(3) No order or resolution of the fiscal court imposing license fees pursuant to subsection (1) of this section shall be valid until it is approved by a majority of the voters of the county at an election called by the fiscal court.

(4) The election in any county shall be held not less than fifteen (15) nor more than sixty (60) days from the time a resolution calling the election is adopted by the fiscal court. The election may be held at the same time as the regular election in November or on any Saturday at any other time in the year. The election shall be conducted and carried out in the county in all respects as required by the general election laws and shall be held by the same officers as required by the general election laws. The expense of the election if held on the regular election day in November shall be borne by the fiscal court.

Section 2. KRS 91.200 is amended to read as follows:

(1) The board of aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession and the using, holding or exhibiting of any animal, article or other thing. License fees on a business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax is required to pay a license tax and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or upon income received by members of the Kentucky national guard *or of United States military reserve forces* for active duty training, unit training assemblies and annual field training, or in any other case where the city is prohibited by statute from imposing a license tax.

(2) The rate fixed on both "wages" and "net profits" shall be one and one-fourth per cent (1 1/4%).

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from the taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund is sufficient to pay the cost of administration and the interest charges for the current fiscal year of the sinking fund in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenue remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received and may be expended for general purposes or for capital improvements.

(5) The term "capital improvements" as used in this section is limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and includes but is not limited to (a) the purchase of rights of way for highways, expressways and the widening of existing streets, (b) the purchase of lands for park, recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential

portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices and fire alarm equipment, (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in KRS chapter 93.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on terms and conditions as prescribed by ordinance.

Section 3. KRS 92.300 is amended to read as follows:

(1) The legislative body of any city of the second to sixth class may by ordinance exempt manufacturing establishments from city taxation for a period not exceeding five (5) years as an inducement to their location in the city. In cities of the third class, two-thirds (2/3), of the members of the city legislative body must concur for this purpose.

(2) No city of the second to sixth class or urban county government may impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, or upon income received by members of the Kentucky national guard *or of United States military reserve forces* for active duty training, unit training assemblies and annual field training.

(3) Unpaid volunteer members of fire companies in cities of the fourth class shall be exempt from city poll taxes so long as they remain active members.

**HB 324,** AN ACT relating to the state sales and use taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the constitution or laws of the United States, or under the constitution of this state;

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(6) Gross receipts from sales of tangible personal property made in *five and ten cent* [one cent (1¢)] portions through vending machines.

**HB 366,** AN ACT relating to board of education members.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 160.280 is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of *fifteen dollars ($15.00) in the 1977 fiscal year and twenty dollars ($20.00) in the 1978 fiscal year,* [ten dollars ($10.00)] and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expenses incurred within the district or per diem of any member exceed *three hundred dollars ($300) in the 1977 fiscal year and four hundred dollars ($400) in the 1978 fiscal year and years hereafter* [two hundred dollars ($200) per annum]. Members of boards of education may be reimbursed for actual and necessary expenditures incurred outside the district in the performance of their duties authorized by the board. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

The Committee Amendment to **HB 366** is as follows:

Amend printed copy of House Bill 366 on page 1, line 4 after the word "of" and before the word "boards" bracket the word "county"

**HB 394,** AN ACT relating to school districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 160.280 is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars ($10.00) and their actual expenses for each regular or special meeting attended, *except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(3), shall receive a per diem of forty dollars,* and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expenses incurred within the district or per diem of any member exceed two hundred dollars ($200) per annum, *except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210.* Members of boards of education may be reimbursed for actual and necessary expenditures incurred outside the district in the performance of their duties authorized by the board. *In no case shall the expenses incurred within the district or per diem of any member exceed one thousand dollars ($1,000) per annum.* All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

The Committee Amendment to **HB 394** is as follows:

Amend printed copy of House Bill 394 on page 1, line 9 by deleting the words "*which shall have seven (7)*" and by inserting in lieu thereof the word "*and*"

and on line 19, by deleting the words "*which shall have seven (7)*" and by inserting in lieu thereof the word "*and*"

**HB 504,** AN ACT relating to the state police retirement system.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 16.576 is amended to read as follows:

(1) A member shall terminate employment on his normal retirement date.

(2) Any member with at least five (5) years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the board, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.

(3) The member shall have the right to elect to have his retirement allowance payable under any one (1) of the plans set forth in this section. In addition to the optional forms of annuities permitted under this section, the board may establish such additional optional forms of annuities as it deems desirable. Such additional forms of annuities shall be based on actuarially equivalent benefits, with due regard to selection against the fund. The member shall not have the right to revoke such election after the initial benefit payment has been drawn by the state treasurer.

(4) The member may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to *two and twenty-five hundredths percent (2.25%)* [two and fifteen-hundredths per cent (2.15%)] of final compensation for each year of service credit.

(5) The member may elect to receive a decreased monthly retirement allowance during his lifetime and have one-half (1/2) of such retirement allowance continued after his death to his beneficiary during the lifetime of such person. Such benefit payments shall be actuarially equivalent to the retirement allowance payable under subsection (4) of this section.

(6) The member may elect to receive a monthly retirement allowance payable for ten (10) years certain, actuarially equivalent to the retirement allowance payable under subsection (4) of this section. If the member should become deceased prior to the expiration of ten (10) years, his beneficiary shall receive the remaining payments monthly for the duration of the ten (10) years.

(7) The member may elect to receive a decreased monthly retirement allowance during his lifetime and have such retirement allowance continued after his death to his beneficiary during the lifetime of such person. Such benefit payments shall be actuarially equivalent to the retirement allowance payable under subsection (4) of this section.

(8) Notwithstanding any other provisions of this section, upon written notification to the board, a member shall have the option to defer his election to receive his retirement allowance. The retirement allowance payable under a deferred option shall be increased to reflect the deferred receipt of benefits.

The Committee Substitute for **HB 504** is as follows:

**HB 504,** AN ACT relating to the state police retirement system.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 78.545 is amended to read as follows:

The following matters shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky employes retirement system as follows:

(1) Cessation of membership, conditions, as provided for by KRS 61.535;
(2) Statement of member and employer, as provided for by KRS 61.540;
(3) Beneficiary to be designated by member, change, rights, as provided for by KRS 61.542;
(4) Service credit determination, as provided for by KRS 61.545;
(5) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
(6) Service credit, armed forces, as provided for by KRS 61.555;
(7) Minimum service credit required, as provided for by KRS 61.559;
(8) Uninvested funds, maximum, as provided for by KRS 61.585;
(9) Service retirement, conditions, as provided for by KRS 61.590;
(10) Disability retirement, conditions, as provided for by KRS 61.600;
(11) Disability retirement, allowance, as provided for by KRS 61.605;
(12) Medical examination after disability retirement, as provided for by KRS 61.610;
(13) Disability retirement allowance, reduction, as provided for by KRS 61.615;
(14) Disability retirement allowance, cessations, as provided for by KRS 61.620;
(15) Refund of contributions, conditions, as provided for by KRS 61.625;
(16) Refund of contributions, death after retirement, as provided for by KRS 61.630;
(17) Optional retirement plans as provided for by KRS 61.635;
(18) Suspension of retirement payments on re-employment, reinstatement, as provided for by KRS 61.637;
(19) Death before retirement, beneficiary's options, as provided for by KRS 61.640;
(20) Board of trustees, conflict of interest, as provided for by KRS 61.655;
(21) Custodian of funds, payments made, when, as provided for by KRS 61.660;
(22) Medical examiners, as provided for by KRS 61.665;
(23) Actuarial bases, as provided for by KRS 61.670;

(24) Employer's administrative duties, as provided for by KRS 61.675;
(25) Correction of errors in records, as provided for by KRS 61.685;
(26) Exemptions of retirement allowances, as provided for by KRS 61.690;
(27) False statements or falsification of records, penalty, as provided for by KRS 61.700;
(28) Credit for service prior to membership date, as provided for by KRS 61.526;
(29) Official income of fee officers, as provided for by KRS 61.541;
(30) Transfer of dormant accounts, as provided for by KRS 61.626;
(31) Members' account, confidential, as provided for by KRS 61.661;
(32) Hazardous positions as provided for by KRS 61.592 (1) to (3) and (7) to (8); further provided, however, that the normal retirement age, maximum employment age, and retirement allowance of a member serving in a hazardous position shall be determined in the same manner as a member of the state police retirement system as provided for by KRS 16.505 to 16.645 except the mandatory retirement provision of KRS 16.576(1) shall not be applicable *and a county employes retirement system member in a hazardous position may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and twenty-five hundredths percent (2.25%) of final compensation for each year of service credit*;
(33) Maximum disability benefit as provided for by KRS 61.607;
(34) Consent to employes to deductions and reciprocal arrangement between systems, as provided for by KRS 61.680;
(35) Employer contributions as provided for by KRS 61.565; and
(36) Recontributions and delayed contributions as provided for by KRS 61.552.

The Committee Title Amendment to the Committee Substitute for **HB 504** is as follows:

Amend printed copy of House Committee Substitute for House Bill 504 on page 1, Title by changing the title from "AN ACT relating to the state police retirement system." to "AN ACT relating to the county employes retirement system."

**HB 591,** AN ACT relating to circuit clerk's fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.020 is amended to read as follows:

(1) Circuit clerks shall be paid out of the state treasury for the following services the following fees: Certified list of grand or petit jurors to the sheriff or other
officer .............................................. $0.25 Filing same when returned by sheriff, and writing names of jurors on slips of paper ......................................... .25 Order excusing juror, for each juror excused, except regular panel ....... .25 Noting names of standing jurors on order book ....... .25 Order for sheriff or other officer to summon other jurors, each
order ... .10 Noting on order book the allowance to grand or petit jurors, each... .02 Order appointing and swearing jury commissioners .......................... .25 Furnishing to jury commissioners names of persons exempted from service.................................. .25 Recording receipt of envelope of sealed return of jury commissioner, and the oath of clerk and deputy.......... .25 In commonwealth cases, in addition to other fees, ten per cent (10%) of all fines and forfeitures recovered in their respective
courts and paid into the state treasury. In inquests on persons alleged to be feeble-minded, lunatics or pauper idiots ........................................................................................................................ 10.00

(2) (a) Circuit clerks shall be paid ten dollars ($10.00) out of the state treasury for services rendered for the commonwealth in each prosecution for felony in their respective courts, except those in which the defendant is convicted only of a misdemeanor. A verified statement of such services must first be made out by the clerk and indorsed "Examined and approved" by the regular judge and commonwealth's attorney, and filed with the executive department for finance and administration after the case has been taken from the docket of the court. In all cases of conviction for a felony the fee of ten dollars ($10.00) herein allowed shall be taxed against the defendant as costs in favor of the commonwealth.

(b) If a felony indictment is quashed or dismissed with leave granted to resubmit the charge to a grand jury, and a subsequent indictment is returned for the same crime, or any degree thereof consisting of a felony, the prosecution shall be deemed a continuous one (1) for the purposes expressed in this subsection; but if no indictment is procured or returned upon resubmission before the expiration of the term after the term reciting the order of resubmission, the clerk may claim and have his fee paid immediately.

*(3) Circuit clerks shall be paid ten dollars ($10.00) out of the state treasury for services rendered in their respective courts in each criminal action filed. A verified statement of such services must first be made*

*out by the clerk and endorsed "Examined and approved" by the regular judge and filed with the executive department for finance and administration after the case has been taken from the docket of the court.*

*(4)* [(3)] When the commonwealth appeals from a judgment in a felony case, the circuit clerk shall be paid ten dollars ($10.00), in the same manner stated in subsection (2) (a) of this section, for making out and certifying a transcript for the appeal.

The Committee Amendment to **HB 591** is as follows:

Amend printed copy of House Bill 591 on page 2, line 17 by placing brackets before and after the words "for felony"

and on line 18, by placing a "." after the word "courts", and by placing a bracket before the word "except"

and on line 19, by placing a bracket after "misdemeanor."

and on page 3, by deleting lines 12-19

and on line 20, by deleting "*(4)* [(3)]" and inserting in lieu thereof "(3)"

**HB 637,** AN ACT relating to taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 134 IS CREATED TO READ AS FOLLOWS:

(1) "Local taxing authority" as used in this Section means any unit of government, other than the state, having the power to levy ad valorem taxes.

(2) When it appears, from the final and unappealable order of any tribunal of competent jurisdiction, that ad volorem taxes have been paid, voluntarily or involuntarily, to any local taxing authority in excess of the amount due and owing, the local taxing unit shall, upon proper application, refund the excess to the taxpayer.

(3) No refund of taxes, as provided for in subsection (2) of this Section shall be made more than five years after the payment of the tax.

**HB 743,** AN ACT relating to budget and financial administration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 45.010 is amended to read as follows:

(1) "Account" is a technical accounting term meaning a formal record in which related transactions and events, (i.e. expenditures, receipts, encumbrances, and interaccount charges or credits) which occur during a specific period of time, are summarized and accumulated.

(2) "Appropriation" means an authorization by the general assembly to a budget unit to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in this chapter *and in accordance with the budget report as considered by the general assembly.*

(3) "Appropriation act" means an act of the general assembly that authorizes the expenditure of public funds.

(4) "Budget" means the complete financial plan for each fiscal year as proposed in the budget report and modified and adopted by the appropriation and revenue acts.

(5) "Budget class" means one (1) of the kinds of expenditure denoting a class of services *or commodities* purchased or properties acquired as specified by the commissioner, executive department for finance and administration, *in the classification of expenditures provided for in this chapter,* for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets.

(6) "Budget estimate," *or "budget request,"* means the statement with accompanying explanations, as provided in this chapter, in which a budget unit states its financial requirements and requests appropriations.

(7) "Budget report," *or "executive budget,"* means the recommendations of the governor to the general assembly as to financial plans and expenditures to be authorized, with the accompanying statements and explanations provided for in this chapter.

(8) "Budget unit" means a function, major program area, program, or a unit of organization, but does not include, for the purposes of preparation and submission of the budget report, the general assembly or the legislative research commission for which separate appropriations are made from those for any other unit of organization.

(9) "Capital outlay" means the exchange of values involved in acquiring lands, buildings, equipment or other permanent properties, or in their construction, development or permanent improvement.

(10) "Disbursement" means cash actually paid out for any purpose.

(11) "Employe" means the lawful incumbent of a position as defined in this section.

(12) "Expenditure" means expenses and capital outlays, but does not include disbursements for the purposes of investing idle funds, or disbursements such as, but not necessarily limited to, those for the purpose of providing advances to sheriffs.

(13) "Expense" means values consumed in maintaining, managing and operating government services, in contributing to the cost of maintaining, and operating public services supported in whole or in part by the state, and in providing in accordance with law for any grant, aids, relief or compensation to individuals, whether such values are represented by cash paid out or by obligations to pay cash, or partly by each.

(14) *"Major expenditure category" means employe cost, current operating expense cost, and capital outlay cost.* ["Function" means a group of related major program areas directed toward a broad and basic goal of state government.]

(15) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash and/or other resources together with all related liabilities, obligations, reserves, and equities which are segregated for the purpose of carrying on specific activities in accordance with legal restrictions or other limitations.

(16) "Goal" means the long range, *quantifiable result* [target toward] which a *program or subprogram should achieve* [major program area is directed].

[(17) "Inputs" means the resources employed in the accomplishment of objectives.]

*(17)* [(18)] "Major program area" means a group of related programs [within a function].

*(18)* [(19)] "Nonrevenue receipts" means values accruing that either decrease an asset or create a liability.

*(19) "Objective" means the immediate quantifiable result which the program is designed to achieve.*

(20) "Operating receipts" means cash received by a budget unit for services rendered, or from the sale of materials, goods or supplies created by the budget unit or of items held for resale.

*(21) "Outcome" means the product of program attempts to achieve the long range result: the goal.*

*(22) "Outcome measure" means the statistic used to determine the degree the program has achieved the goal.*

*(23)* [(21)] "Output [s]" means the product [s] of program attempts to *achieve the immediate result: the objective* [accomplish objectives—he results].

*(24) "Output measure" means the statistic used to determine the degree the program has achieved the objective.*

*(25)* [(22)] "Position" means any office or employment, or combination of them, in the service of the state, involving duties to be performed and responsibilities to be exercised by one (1) person.

*(26)* [(23)] "Program" means *an organized effort to provide a service or series of* [a set of] related services *leading to the attainment* [directed toward the achievement] of a*n* [specific] objective *and a goal.*

*(27) "Program rationale" means an expression of the relationship between the program and the goal, and between the program and the objective.*

*(28)* [(24)] "Receipts" means cash received from any source.

*(29)* [(25)] "Revenue receipts" means values accruing as a result of taxation or revenues, or both, and without resultant increase in liabilities or decrease in assets, whether such values are represented by cash actually received or by amounts due and payable, or partly by each.

*(30) "Service" means the discrete activity conducted under the program rationale.*

*(31) "Service level" means the rate at which the service will be performed.*

*(32)* [(26)] "Subprogram" means a group of discrete, related activities directed toward producing the designed output stated in the program objectives.

Section 2. KRS 45.040 is amended to read as follows:

Each biennial budget report shall present a complete financial plan for each of the next two (2) fiscal years. It shall include:

(1) A budget message signed by the governor, giving a summary description of his proposed financial policies and plans and explaining the more important features of the proposed financial and operating programs and their anticipated effects on the finances and welfare of the state.

(2) Summary statements of the financial condition of the state, accompanied by such detailed schedules of assets and liabilities as the governor deems desirable, and to include:

(a) A comparative consolidated current account balance sheet showing all the current assets and liabilities of the state and the current account surplus or deficit, as the case may be, at the close of each of the two (2) fiscal years last concluded.

(b) Summary statements of fund balances showing in detail for each fund the current account surplus or deficit at the beginning of each of the two (2) fiscal years last concluded, the actual income of that year, the total net appropriation of that year and the total expenditures of that year.

(c) Similar summary statements of the estimated fund balances for the current fiscal year and each of the next two (2) fiscal years.

(3) Statements of income and receipts for each of the two (2) fiscal years last concluded, and the estimated income and receipts of the current fiscal year and of each of the next two (2) fiscal years. The statements of income and estimated income shall be itemized by sources, by organization units and sources, and by funds and sources. The statements of receipts and estimated receipts shall be itemized by organization units and sources, and by funds and sources, and shall show separately receipts from current income, receipts from refunds and reimbursements of expenditures, receipts from sale of assets, and receipts on account of the income of prior years, all detailed by sources. Existing sources of income and receipts shall be analyzed as to their equity, productivity and need for revision, and any proposed new sources of income or receipts shall be explained.

(4) Summary statements of expenditures and disbursements for each of the two (2) fiscal years last concluded, itemized by budget units under functional heads, *and by major expenditure categories,* and showing the amounts expended and disbursed for each major function of government.

(5) A statement of the surplus account for the general fund and for each special fund. Each surplus account shall show the excess of all current assets over all current liabilities as of the beginning of each of the two (2) fiscal years last concluded, and all changes in each surplus account during each of such two (2) fiscal years.

(6) A statement as of the close of the last completed fiscal year and as of the close of the current fiscal year, showing the total funded debt, the value of sinking fund assets, the net funded debt, the floating liabilities as of the close of the last completed fiscal year and the estimated floating liabilities as of the end of the current fiscal year, and the total debt as of the close of the last completed fiscal year and as of the close of the current fiscal year.

(7) Detailed comparative statements of expenditures and requests for appropriations by funds, [and] budget units, *major expenditure categories, and budget classes,* showing expenditures for each of the two (2) fiscal years last concluded, the budget of the current year, and the requests of each budget unit and the governor's recommendations for appropriations for each of the next two (2) fiscal years, by major program area, program, and subprogram, if applicable, *all distributed according to major expenditure categories and budget classes.* Following the lists of actual and proposed expenditures of each budget unit there shall be a brief explanation of the goal [s] of *each program, together with the objective, program rational, outcome and anticipated outcome, outcome measure, output and anticipated output, output measure, service and service level of* [the major program areas and the objectives, beneficiaries, levels of need, and results for] each program and subprogram and comments on its policies and plans and on any considerable differences among the amounts expended, the amounts requested and the amounts recommended, with such descriptive quantitative, comparative and other data as to work done, unit costs and like information as is considered necessary or desirable. In connection with each budget class of capital outlays involving construction projects to be completed in two (2) or more fiscal years there shall be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project.

(8) A summary statement for each fund of the cash resources estimated to be available at the beginning of each of the next two (2) fiscal years, and the estimated cash receipts of the fiscal year, as compared with the total recommended amounts of appropriation for all budget units for the year, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of receipts from any proposed additional revenues.

(9) A draft of a proposed appropriation act or acts embodying the governor's recommendations for appropriations for the next two (2) fiscal years, and drafts of such revenue and other acts as may be recommended for putting into effect the proposed financial plan. The recommended appropriations for ordinary recurring expenses shall not be itemized by budget classes in the appropriation acts, but by budget units, and the amount of each of such recommended appropriations shall be the total of the recommended amounts for the budget units in the group covered by the appropriation. Recommended appropriations for extraordinary expenses and capital outlays shall be itemized in the appropriation act by budget units, and the title of each budget unit shall be so worded as to limit each appropriation to the specific use or purpose intended. In

connection with each suggested appropriation for capital outlays, the draft of the appropriation act shall specify the total amount to be appropriated for the total estimated cost of each such project, and the amount recommended for appropriation for each fiscal year thereafter until the completion of the project. The recommended appropriation for each budget unit shall be specified in a distinct and separate section of the appropriation act. The total amount of appropriations recommended from any fund shall not exceed the cash resources estimated by the governor to be available and to become available to meet expenditures under such appropriations.

(10) A certificate of the executive department for finance and administration as to the accuracy of the statements of financial condition, of income and receipts, and of expenditures and disbursements.

(11) Such other information as the governor deems desirable or is required by law.

Section 3. KRS 45.060 is amended to read as follows:

The executive department for finance and administration shall prescribe the forms to be used by the budget units in submitting their budget estimates, *budget* [and] requests, for appropriations in accordance with the provisions of this chapter, and shall prescribe such rules and regulations as it deems necessary for the guidance of officials in preparing such budget estimates [and requests]. On or before *May* [October] 15 of each odd-numbered year, the executive department for finance and administration shall send to the administrative head of each budget unit at least three (3) complete sets of the prescribed forms on which budget estimates [and requests] for appropriations for the next two (2) fiscal years are to be submitted, one (1) copy of the complete statement of the expenditures of the budget unit as furnished by the executive department for finance and administration to aid the administrative head in preparing his estimates and statements, and instructions as to the preparation of each of the required statements.

Section 4. KRS 45.070 is amended to read as follows:

*(1)* The head of each budget unit, not later than *August 1* [November 15] of each odd-numbered year, shall submit to the executive department for finance and administration and to the legislative research commission *budget* estimates of the financial requirements and receipts of his budget unit for the next two (2) fiscal years, on the forms and in the manner prescribed by the executive department for finance and administration, with such explanatory data as is required by the department and such additional information as the head of the budget unit wishes to submit. The estimates so submitted shall bear the approval of the board or commission of each budget unit for which a board or commission is constituted.

*(2) If the head of a budget unit has not submitted the budget estimates as required by subsection (1) of this section he shall write a letter to the governor, with a copy to the head of the department and to the legislative research commission, giving the reasons for not complying with that subsection.*

*(3) If the head of the budget unit has not complied with the requirements of subsection (1) of this section by August 15 of each odd-numbered year the department shall not allot one percent (1%) of that budget unit's appropriation for each year of the next two (2) fiscal years until a written, comprehensive justification of the need for the unallotted funds is submitted to the department and to the legislative research commission. This written, comprehensive justification of the need for these unallotted funds shall not be submitted by the budget unit, and shall not be accepted by the department and the legislative research commission, prior to the second quarter of each of the next two (2) fiscal years.*

*(4) For each thirty (30) day period following September 15 of each odd-numbered year that the head of a budget unit has not complied with the requirements of subsection (1) of this Section the department shall not allot an additional one percent (1%) of that budget unit's appropriation for each year of the next two (2) fiscal years until a written, comprehensive justification is submitted as required by subsection (3) of this Section.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Each biennial budget estimate, budget request, from each state agency shall include detailed comparative statements of expenditures and requests for appropriations by funds, budget units, major expenditure categories, and budget classes, showing expenditures for each of the two (2) fiscal years last concluded, the budget of the current year, and the requests of each budget unit for appropriations for each of the next two (2) fiscal years, by major program area, program, and subprogram, if applicable, all distributed according to budget classes.

(2) Each budget unit in its biennial budget estimate shall include a complete explanation of its goals, objectives, program rationales, anticipated outcomes, outcome measures, anticipated outputs, output measures, services and service levels, policies, plans, and any considerable differences among the amounts expended and the amounts requested, with such additional descriptive quantitative, comparative, and other data as to work done, unit costs and like information as is considered necessary or desirable.

(3) Each request for funds involving a capital construction project to be completed in two (2) or more fiscal years shall indicate the total estimated cost of the project and the amount requested to be appropriated and expended in each fiscal year until completion of the project. In addition, the request shall include an estimate of the annual cost of maintaining, operating, and staffing the facility once the project is completed.

Section 6. KRS 45.160 is amended to read as follows:

Except as deviations therefrom are made necessary by changes in conditions of operations, to meet unforeseen contingencies, to correct errors, or to avoid cash deficits, the heads of the budget units, the executive department for finance and administration and the governor, in allotting appropriations for expenditure, shall be governed by the functions, major program areas, programs, or units of organization as shown in the detailed budget estimates *and budget report* as *considered* [enacted] by the general assembly, and the heads of the budget units shall hold to the functions, major program areas, programs or units *of* [or] organization as authorized and approved on advices of allotments. The commissioner of the executive department for finance and administration shall make quarterly allotments of appropriations, except in the case of appropriations for the purpose of capital outlay for buildings, roads and bridges, and for printing, as provided in KRS 45.200. In any other cases where periodic allotments as provided for herein are impracticable, the department may prescribe a different period suited to the circumstances, not exceeding one (1) year nor extending beyond the end of the biennium. The department shall have authority at any time to modify or amend any allotment previously made by it, upon application of, or upon notice to, the department or agency concerned, provided that no such modification or amendment shall reduce an allotment below the amount required to meet valid obligations or commitments previously incurred against the allotted funds. In making the allotments the expenditures to be authorized shall be classified according to purpose *and budget class*, and the funds allotted for each purpose *and budget class* of expenditure shall be used for no other purpose, except that the head of any budget unit, with the approval of the commissioner of the executive department for finance and administration, *and upon notice to the legislative research commission,* may transfer allotted funds from one (1) purpose *and budget class* of expenditure to another, within the budget unit. In no case shall obligations be incurred or expenditures made in excess of the total amounts allotted. The decision of the commissioner of the executive department for finance and administration as to the amount of any allotment for any fiscal quarter or other period or as to the purposes for which money allotted may be expended [,] shall be final and conclusive. The commissioner of the executive department for finance and administration is authorized, empowered and directed by the general assembly to reduce any appropriation and withhold allotments therefrom to prevent an overdraft or deficit in any fiscal year for which any appropriation is made; Provided, however, That the power vested shall not permit any reduction of the appropriation of any officer, board, commission, institution or subdivision of state government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

Section 7. KRS 45.320 is amended to read as follows:

The executive department for finance and administration shall:

(1) Within ten (10) days after the close of each month, furnish each budget unit with copies of the department's active accounts with the appropriations and allotments in favor of that budget unit, showing all the transactions recorded in the previous month and the balances as of the beginning and end of that month.

(2) Within ten (10) days after the close of each month, prepare and transmit to the governor a report embodying a summary statement of the actual financial condition of each fund as of the close of the previous month, a summary statement showing the receipts and payments of each fund for the previous month and for the current fiscal year to the close of the previous month, a summary budget statement for each fund showing the available cash balance as of the end of the previous month, the amount of cash estimated to be realized from each source during the remaining months of the fiscal year, the total means of financing, the amount of the unallotted balances of appropriations, the estimated amount of unliquidated commitments, and the estimated cash surplus or deficit.

(3) On or before January 1 of each year, file with the governor a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that fiscal year, with such comments and supplementary data as it deems necessary to make the report complete and easy to understand.

(4) Each department head and cabinet secretary shall, within *sixty (60)* [thirty (30)] days following December 31, 1974, June 30, 1975, and each six months thereafter submit to the governor, with a copy to the legislative research commission and the commissioner of the executive department for finance and administration, a report, to be known as the "program status report," showing for each program and, if applicable, for each subprogram, within his areas of responsibility for the preceeding [six] months *of the fiscal year* the following:

*(a) Name or title;*

*(b) Goal;*

*(c) Objective;*

*(d) Program rationale;*

*(e) Amount and source of funds budgeted and expended according to the classification of expenditures by the major object codes;*

*(f) Outcome measures;*

*(g) Output measures;*

*(h) Service level accomplished;*

*(i) Explanation and evaluation of results; and*

*(j) Alternatives for improving the delivery of services.*

[(a) Appropriations, allotments, expenditures, encumbrances, and available balance.

(b) The level of service budgeted, defined in terms of objectives and beneficiaries.

(c) The level of services delivered during the period.

(d) Alternatives for improved service delivery.

(e) Any changes in service authorized or necessary as a result of unanticipated changes in clientele, resources, or for other reasons.

(f) An evaluation of results, including a description of measurements used.]

*(5) The department and the legislative research commission shall, with the assistance of the agencies, develop methods and systems for determining outcome measures and output measures. These methods and systems shall be developed and in operation by November 1, 1976.*

**HB 788,** AN ACT relating to fees charged for malt beverages licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 243.040 is amended to read as follows:

The following kinds of malt beverage licenses may be issued by the administrator of the malt beverages unit, the fees for which shall be:

(1) Brewer's license, per annum ... $1000.00

(2) Distributor's license, per annum ... $ 100.00

(3) Retailer's license, per annum*:*[ ... $ 25.00]

*(a) New applicants ... $ 150.00*

*(b) Renewals ... $ 75.00*

(4) Dining car license, per annum ... *$ 75.00*[$ 25.00]

(5) Transporter's license, per annum ... $ 5.00

(6) Special temporary license, per month or part of month ... *$ 12.50*[$ 4.17]

(7) Such other special licenses as the state board finds to be necessary for the administration of chapters 241, 243 and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the state board.

Applicants for special licenses provided for under the authority granted in subsection (7) may be exempt from so much of the provisions of subsection (3) of KRS 243.100 and paragraph (c) of subsection (1) of KRS 244.090 as the board by regulation prescribes.

**SB 116,** AN ACT relating to the Kentucky National Guard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 68.180 is amended to read as follows:

(1) The fiscal court of each county having a population of 300,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate or rates not to exceed one and one-fourth per cent (1 1/4%) of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. License imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No public service company that pays an ad valorem tax shall be required to pay a license

tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state, *or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training,* or in other cases where the county is prohibited by law from imposing a license tax.

(2) The provisions and limitations of subsection (1) do not apply to the license fees authorized by KRS 160.482 to 160.488.

Section 2. KRS 160.483 is amended to read as follows:

The license fees imposed under KRS 160.482 to 160.488 on businesses, trades, occupations, and professions shall be at a single, uniform percentage rate not to exceed one-half of one per cent (.5%) of (a) salaries, wages and commissions, and other compensations earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of all businesses, trades, occupations and professions, for activities conducted in the county. The license fees, once imposed, shall continue from year to year until changed as prescribed in KRS 160.484. No public service company which pays an ad valorem tax is required to pay a license fee hereunder. No license fee shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state *or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training.* No license tax shall be collected from any individual who is not a resident of the county of the tax-levying authority imposing the tax.

Section 3. KRS 160.605 is amended to read as follows:

There is hereby authorized the levy of an occupational license tax for schools on salaries, wages, commissions and other compensation of individuals for work done and services performed or rendered in a county and on the net profits of all businesses, professions or occupations from activities conducted in a county. No public service company which pays an ad valorem tax in a county. No public service company which pays an ad valorem tax is required to pay an occupational license tax for schools. No occupational license tax for schools shall be imposed upon or collected from any insurance company, bank trust company, combined bank and trust company, or combined trust, banking and title business in this state *or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training.*

**SB 144,** AN ACT relating to abandoned animals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 257.100 is amended to read as follows:

(1) Any peace officer or any officer of the accredited humane society or society for the prevention of cruelty to animals may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased or suffering past recovery for any useful purpose.

(2) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two (2) reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

*(3) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or his agent for a period of more than ten (10) days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, dog pound or animal shelter or disposed of as such custodian may deem proper.*

*The giving of notice to the owner, or the agent of the owner of such animal by the licensed veterinarian, as provided herein shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal.*

*For the purpose of this Act, the term "abandon" shall mean to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.*

The Committee on Health and Welfare reported **HB 589, HB 691, HB 692,** HB 715, **HB 717,** and **HB 734** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 589,** AN ACT relating to persons who are graduates of foreign medical or osteopathic schools or colleges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 311.570 is amended to read as follows:

(1) No person shall be eligible for a regular license under KRS 311.550 to 311.620, unless (a) at least eighteen years of age, (b) of good moral character, (c) able to speak and write the English language, (d) graduated from an accredited high school or its equivalent and satisfactorily completed and graduated from a prescribed course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board during the entire period of attendance thereat, (e) satisfactorily completed at least a one-year internship or a prescribed course of postgraduate training of not less than one year in an institution approved by the board, and (f) possessing all of the other qualifications that may be prescribed by rules and regulations of the board.

*(2) The provisions of subsection (1) of this section* [Provided, however, that the foregoing] shall not be construed to prohibit the board from issuing a regular license to persons who have attended medical or osteopathic schools or colleges situated outside the United States or Canada if such schools or colleges *are listed by the world health organization* [are approved by the board] and if such persons

*(a) have completed all of the didactic work of the foreign medical school or college,*

*(b) have attained a qualifying examination score satisfactory to a medical school in the United States approved by the liaison committee on medical education,*

*(c) have satisfactorily completed one (1) academic year of supervised clinical training for foreign medical students as approved by the american medical association's council on medical education and under the direction of a medical school in the United States,*

*(d) have attained a passing score on the education council for foreign medical graduates examination, or other examination, if required by the state board of medical licensure,*

*Provided that, in addition, satisfactory completion of the requirements for foreign medical graduates under the provisions of this subsection shall be in lieu of the completion of any requirements of the foreign medical school beyond completion of the didactic work and no other requirements including certification by the education council for foreign medical graduates shall be a condition of licensure to practice medicine under the provisions of this Chapter.* [have been certified by the Education Council for Foreign Medical Graduates, or its equivalent.]

*(3)* [(2)] Subject to the exceptions set out herein, no person who possesses the qualifications set out in paragraphs (a), (b) and (c) of subsection (1) of this section, and who has been graduated from an accredited high school, has satisfactorily completed a premedical course of instruction of at least two years in an accredited college or university, has satisfactorily completed and been graduated from a prescribed course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the American Medical Association or the American Osteopathic Association during the entire period of attendance thereat, and who has completed an internship of one year or a course of postgraduate training of not less than one year's duration approved by the board in a hospital approved for such training by the same associations, shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee. *No person who possesses the qualifications provided for in subsection (1) (a), (b) and (c) and in subsection (2) of this section shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee.* However, the board may deny admission to the examination or refuse to issue a license upon successful passage of the examination upon proof that the applicant: (a) has been convicted for violating any state or federal narcotic or barbiturate law, (b) has failed the examination in another state or has had his license suspended or revoked in some other state, (c) has been convicted of a felony, (d) is emotionally unstable, (e) has been adjudged to be of unsound mind, (f) has violated KRS 311.585, or (g) has engaged in any acts or conduct that would constitute grounds for suspension or revocation of a license under KRS 311.550 to 311.620.

*(4)* [(3)] No person shall be eligible for a limited license unless (a) at least eighteen years of age, (b) of good moral character, (c) able to speak and write the English language, (d) actually residing in Kentucky at the time of making application or expressing in writing an intention to become an actual resident of this state after issuance of the limited license, (e) has been graduated from an accredited high school or its equivalent and has satisfactorily completed and been graduated from a prescribed course of instruction in a medical school approved by the board for limited licenses, (f) has successfully completed the examination conducted by the Education Council for Foreign Medical graduates, or its equivalent, and (g) possesses all the other qualifications and education that may be prescribed by rules and regulations of the board. Provided, however, that all limited licenses issued by the State Board of Health prior to September 1, 1972, may be renewed by the State Board of Medical Licensure if the applicant meets the statutory requirements which were in effect at

the time he was first granted a limited license, and such limited licensees shall be entitled to regular licenses whenever they can meet the requirements of this chapter.

*(5)* [(4)] Except as provided by subsection (2) (g) of KRS 311.565 no license shall be issued except upon the successful passage of an examination as prescribed by the board. All applicants for a regular license must take the same general examination, and in addition, osteopathic applicants shall take an examination in osteopathic principles and practice.

*(6)* [(5)] No person shall be deemed to have successfully passed an examination in this state unless he makes an average grade of at least seventy-five in all subjects or sections prescribed by the board, and a grade of at least sixty-five in each subject or section.

*(7)* [(6)] No license shall be issued, refused, suspended, limited, restricted or revoked by the board, nor shall any licensee be placed on probation, except in compliance with KRS 311.550 to 311.620 and the rules and regulations promulgated thereunder by the board and filed pursuant to KRS Chapter 13.

*(8) Any person who is a foreign medical graduate and who satisfactorily completes the requirements of subsections (1) and (2) of Section 1 of this Act shall be deemed to have received the equivalent of a degree of doctor of medicine for the purposes of licensure and practice of medicine in the Commonwealth and shall be entitled to all the rights and privileges thereof including the use of the title "Doctor of Medicine" and the suffix "M.D.".*

SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

No hospital licensed in the Commonwealth of Kentucky pursuant to the provisions of KRS Chapter 216 shall require any person who is a foreign medical graduate to satisfy any requirements other than as required pursuant to subsections (2) (a), (b), (c) and (d) of Section 1 of this Act prior to commencing an internship or residency.

**HB 691,** AN ACT relating to child welfare.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Department" means the department for human resources.

(3) "Child" means any person who has not reached his eighteenth birthday.

(4) "Neglected or dependent child" means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others.

(5) "Abandoned child" means any child who by reason of the desertion of his parents or guardian is in destitute circumstances.

(6) "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

(7) "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

(8) "Child welfare worker" means an employe of the department designated as such by the secretary for human resources or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

(9) "Boarding home or foster parent" as used in subsection (4) of KRS 199.600 means persons who board children held in custody by the department.

(10) "Foster family home" means a private home in which children are placed for foster family care under supervision of the department or of a licensed child-placing agency.

(11) "Group home" means a homelike facility for not more than eight foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

(12) "Institution" means a child-caring facility providing care or maintenance for nine or more children.

*(13) "Parent" means either a natural parent of a legitimate child, or a parent by adoption, or the natural parent of an illegitimate child. A child born to a woman married at the time of its conception or birth is presumed to be the legitimate child of her husband. In the event that the mother is legally married to a different man at the time of the birth than she was at the time of conception, the child shall be presumed to be the legitimate child of her husband at the time of conception. If this presumption is legally rebutted and no*

*contrary determination is made, the man to whom the mother is married at the time of the child's birth shall be presumed to be the legitimate father of the child. The father of an illegitimate child shall have no parental rights to the child unless he, prior to entry of a decree of adoption, has acknowledged the child as his own by affirmatively asserting paternity as follows:*

*(a) Causing his name to be affixed to the birth certificate of the child; or*

*(b) Paying medical or hospital bills associated with the birth of the child; or*

*(c) Paying support for the child; or*

*(d) Otherwise asserting his paternity in writing pursuant to the provisions of this Act.*

*(14) "Termination of parental rights" means the permanent elimination by court order of all parental rights and duties, including residual parental rights and responsibilities.*

*(15) "Best interest of the child" means and shall include the following factors:*

*(a) The love, affection and other emotional ties existing between the competing parties and the child.*

*(b) The capacity and disposition of competing parties to give the child, love, affection and guidance and continuation of the educating and raising of the child in its religion, creed, if any, or culture;*

*(c) The capacity and disposition of competing parties to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs;*

*(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;*

*(e) The permanence, as a family unit, of the existing or proposed custodial home;*

*(f) The mental and physical health of the competing parties;*

*(g) The home, school and community record of the child;*

*(h) The cultural background of the child;*

*(i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;*

*(j) Any other factor considered by the court to be relevant to a particular child custody dispute.*

**HB 692,** AN ACT relating to voluntary termination of parental rights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) The procedure for the voluntary termination of parental rights for the purpose of adoption or, if a suitable adoption plan cannot be effected, for the purpose of providing for the care of the child by some other plan which may or may not contemplate the continued possibility of eventual adoption, may be initiated whenever it appears that the parent of any child desires to relinquish such parental rights.

(2) A petition for the voluntary termination of parental rights may be filed by a parent.

(3) No petition may be filed under this chapter prior to five days after the birth of the child.

SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The circuit court shall have jurisdiction of proceedings under this chapter to terminate parental rights. A petition for voluntary termination of parental rights may be filed in any circuit court of the commonwealth.

SECTION 3. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The petition for the voluntary termination of parental rights under this Act shall be certified and contain the:

(1) Name and place of residence of each petitioner;

(2) Name, sex and date of birth of the child;

(3) Relationship of each petitioner to the child;

(4) Name and address of the parent of the child;

(5) Reasons for desiring the termination of parental rights;

(6) Name and address of the person or of the authorized agency or department to which parental rights are sought to be transferred; and

(7) Consent executed by the person or authorized agency or department to which custody is to be transferred.

SECTION 4. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

For the purpose of this Act, the age of 16 shall be considered the age of majority.

SECTION 5. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
The hearing procedure under this chapter shall be as provided in Sections 6 through 9 of this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
When a petition for the voluntary termination of parental rights is filed, the court shall set a date for a hearing thereon, and shall cause notice of the time, place and purpose of the hearing to be served upon the parent, provided, however, no such notice shall be necessary if a waiver of notice or disclaimer executed by the parent has been filed with the petition. The court shall require notice to be served upon the department for human resources in any case where the department or licensed child placing agency is not involved in the proceedings.

SECTION 7. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
(1) All hearings shall be held before the court, privately.
(2) Hearings shall be informal in nature and the best interest of the child shall be considered paramount.
(3) At the time of the hearing, the court, after full and complete inquiry, shall determine whether each petitioner is fully aware of the purpose of the proceedings and the consequences of this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
If the court finds that the termination of parental rights and their transfer are in the best interest of the child and that each petitioner is fully aware of the purpose of the proceedings and the consequences of this Act, it shall make an order terminating all parental rights and obligations in the parent in whom they have existed, and releasing the child from all legal obligations to his parents, and transferring such parental rights to some other person or authorized agency or department as may, in the opinion of the court, be best qualified to receive them. Such order may contain the power by such person or authorized agency or department to consent to the adoption of such child, without further notice to its parent or any other person having parental rights over the child.

SECTION 9. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
Any order entered under this Act shall be conclusive and binding on all parties and no appeal may be taken from a judgment of voluntary termination.

Section 10. KRS 199.620 is repealed.

**HB 715**, AN ACT relating to involuntary termination of parental rights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
(1) In a proceeding involving a neglected, abused or dependent child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parent of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that any of the following conditions exist with regard to such child:
(a) He is abandoned by his parent, guardian, or other custodian; or
(b) He is without necessary subsistence, education or other care necessary for his physical or mental health or morals because his parent, guardian or other custodian neglects or refuses to provide it; or
(c) He is without the special care made necessary by his physical or mental condition because his parent, guardian, or other custodian neglects or refuses to provide it; or
(d) His parent, guardian, or custodian has made arrangements for his placement in a manner detrimental to the welfare of the child or in violation of law; or
(e) He is without necessary subsistence, education, or other care necessary for his physical or mental health or morals because his parent has been adjudged mentally incompetent and such judgment has been in effect for not less than one year and it would be to the best interests of the child to have the parental rights terminated.
(f) His parent is unfit by reason of habitual debauchery, habitual intoxication, or habitual use of narcotic drugs, found by the court to be detrimental to the physical or mental health or morals of the child.

(2) If the circumstances described in Section 1 of this Act exist with respect to only one (1) of the two (2) legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent, or if one (1) of the two (2) legitimate parents has wilfully, substantially, and continuously refused for a period of at least one (1) year to give or pay any support, the parental rights of that parent may be terminated immediately by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

(3) In the circumstance of an illegitimate child, and one parent has voluntarily terminated his parental rights, if it is pleaded and proved in a private hearing that the other parent, who has not voluntarily terminated his parental rights, has followed a course of conduct involving such child, as prescribed by subsection (1) of this section, then the parental rights of said non-terminating parent may be terminated pursuant to subsection 1 of this section.

(4) In the event the infant is made party defendant to the action, the boarding home or foster parent shall not be served with summons notwithstanding provisions of CR 4.04 (3).

(5) The court may be convened at any time wherever the judge thereof may be found within the district, irrespective of the regular term for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(6) Proceedings under this Act may be instituted upon petition by the department, any child-placing agency licensed by the department, any probation officer, any state or local law enforcement officer, any county or commonwealth's attorney or parent.

(7) In the event a parent who is a defendant in an action for involuntary termination of parental rights is for financial reasons unable to obtain legal representation, the court shall appoint an attorney for such person if defendant requests counsel. The court shall appoint counsel for any defendant under this statute if in the opinion of the court justice will be served. Unless the attorney appointed receives a salary or fee from another source, he shall be paid a reasonable fee for his services which shall be taxed as costs not to exceed one hundred fifty dollars ($150).

(8) Unless one (1) or both parents object thereto in writing within ten days after an abortion results in a live birth, the live born person shall become an abandoned ward of the state and the mother and father of such person shall have no parental rights or obligations whatsoever as relates to the abandoned, the same as if parental rights had been terminated pursuant to the provisions of KRS Chapter 199.

SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law or court rule, the father of an illegitimate child shall, as a requirement of due process, have no rights to the service of process in an adoption action, or both temporary or permanent custody proceedings, or termination of parental rights proceeding, unless:

(a) He is known and voluntarily identified by the mother by affidavit; or

(b) Prior to the entry of a final order in any of the above proceedings, he shall have acknowledged the child as his own by affirmatively asserting paternity in the action or to the custodial agency or the party bringing the action within 30 days after birth of the child; or

(c) He has caused his name to be affixed to the birth certificate of the child; or

(d) He has commenced a judicial proceeding claiming parental right; or

(e) He has contributed financially to the support of the child either by paying the medical or hospital bills associated with the birth of the child or financially contributed to the child's support; or

(f) He has married the mother of the child or is openly living with the child or the person designated on the birth certificate as the natural mother of said child.

(2) Service under this Act shall be accomplished by personal service where possible or constructive service where personal service is not possible, all of which is to be done pursuant to the Kentucky Rules of Civil Procedure.

(3) No service shall be necessary if a disclaimer of paternity or a petition for voluntary termination of parental rights has been executed by a parent and has been filed with the petition.

(4) No petition may be filed under this Act prior to five days after the birth of the child.

SECTION 3. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The circuit court shall have jurisdiction of proceedings under this chapter to terminate parental rights. A petition for involuntary termination of parental rights may be filed in the circuit court for any of the counties in the following order of priority:

(1) The county in which either parent resides or may be found;

(2) The county in which juvenile court action has commenced;

(3) The county in which the child involved resides or is present.

SECTION 4. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The petition for the involuntary termination of parental rights under this Act shall be verified and contain the:

(1) Name and identity of each petitioner;
(2) Name, sex, and date of birth of the child;
(3) Relationship of each petitioner to the child;
(4) Name and address of the parents of the child;
(5) Grounds for the termination of parental rights;
(6) Name and identity of the person or the authorized agency to which custody is sought to be transferred;
(7) Other information concerning termination or disclaimers of parenthood;
(8) Consent executed by the person or authorized agency to which custody is to be transferred.

SECTION 5. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) For the purpose of this Act, the age of majority is sixteen (16) years.

(2) The hearing procedure under this Act shall be as provided in the Rules of the Court; provided, however, that all hearings held under this Act shall be conducted in private by the court.

(3) In all hearings under this Act the best interest of the child shall be considered paramount.

SECTION 6. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

In any proceeding wherein one parent has voluntarily terminated his parental rights, the person whose parental rights have been terminated shall not be a party to a subsequent action to terminate parental rights involuntarily under this section.

SECTION 7. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

If the court finds that the termination of parental rights and their transfer are in the best interest of the child and that the petitioners are fully aware of the purpose of the proceedings and the consequences of their act, it shall make an order terminating all parental rights and obligations in the parent in which they have existed and releasing the child from all legal obligations to his parent, and transferring such custody to some other person, or authorized agency as may, in the opinion of the court, be best qualified to receive custody. Such order may contain the power by such person or authorized agency or department to consent to the adoption of such child, without further notice to his parent or any other person having such parental rights over the child.

SECTION 8. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

Any order entered under this Act shall be conclusive and binding on all parties; except that an appeal may be taken from a judgment, decree, or order of the circuit court under the provisions of this chapter, within thirty days from the date of filing the judgment, decree or order appealed from. Initials shall appear on the record on appeal in place of the name of the child.

Section 9. KRS 199.600 is repealed.

**HB 717,** AN ACT relating to eligibility of prisoners for parole.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 439 IS CREATED TO READ AS FOLLOWS:

(1) All persons confined in any adult state penal or correctional institution of Kentucky on the effective date of this Act, shall be eligible for parole not withstanding having been sentenced, or having their sentence commuted to life without parole.

(2) Eligibility for parole of persons provided for in subsection (1) of this section shall be determined by the rules and regulations of the board as authorized in KRS 439.340(3).

**HB 734,** AN ACT relating to health care facilities and their personnel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

(1) No hospital or other health care facility shall be required to, or held liable for refusal to perform or permit the performance of any specific medical procedure contrary to its stated ethical policy. No physician, nurse, staff member or employe of a hospital or other health care facility, who shall state in writing to the hospital or health care facility his objection to performing, participating in, or cooperating in any specific medical procedure, on moral, religious or professional grounds, shall be required to, or held liable for refusl to perform, participate in or cooperate in such medical procedure.

(2) It shall be an unlawful discriminatory practice for the following:

(a) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any hospital or other health care facility due to the refusal of the hospital or health care facility to perform or permit to be performed, participate in, or cooperate in any specific medical procedure by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to such medical procedure; or,

(b) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employe of any hospital or health care facility, due to the willingness or refusal of the physician, nurse or staff member or employe to perform or participate in any specific medical procedure by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by the physician, nurse or staff member or employe with respect to the medical procedure; or

(c) Any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms of conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employe thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employe to perform or participate in any specific medical procedure by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to any specific medical procedure.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Agriculture and Natural Resources: **HB 602, HB 459, HB 175.**

Business Organizations and Professions: **HB 801, HB 787.**

Cities: **HB 806, HCR 84, HB 798, HB 812, HB 719.**

Counties and Special Districts: **HB 660.**

Education: **SB 78, SB 157, HB 816, HB 745.**

Health and Welfare: **SB 166, SB 172, SB 213, SB 214.**

Labor and Industry: **HB 773.**

Public Utilities and Transportation: **HB 771, HB 778.**

State Government: **HB 707, HB 723, HB 759, HB 761, HB 768, HB 769, SB 171, SB 193, SB 243, SJR 22, HB 173, HB 277, HB 546, HB 777, HB 783, HB 784, HB 790, HR 83, SB 231, SB 253, SB 95, HB 783.**

Judiciary-Statutes: **HB 815, HB 814, HB 531.**

Appropriations and Revenue: **HB 793, SB 187, HB 620.**

Highways and Traffic Safety: **SB 216, HB 659.**

Banking and Insurance: **SB 191.**

Business Organizations and Professions: **HB 720, HB 785, HB 786.**

Health and Welfare: **HR 62, SB 195, HB 709.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Commitee consideration:

Judiciary-Statutes: **HB 642, HB 580.**

Education: **HB 516, HB 505.**

Highways and Traffic Safety: **HB 322.**

## Report of Committees

The Committee on Rules reported **HB 20** with Committee Substitute attached thereto, **HB 30** with Committee Substitute attached thereto, **HB 201, HB 284** with Committee Amendment attached thereto, **HB 402, HB 518, HB 519, HB 559** with Committee Amendment attached thereto, **HB 566, HB 625** with Committee Amendments attached thereto, **HB 644, HB 674, HB 675, HB 676, HB 677, HB 678, HB 695** with Committee Amendment attached thereto, **HB 698,** and **HB 699** have been reported for passage in Orders of the Day, March 8, 1976.

The Committee on Rules reported **HB 28** has been recommitted to the Committee on Agriculture and Natural Resources.

The Committee on Rules reported **HB 371** has been recommitted to the Committee on State Government.

## Calendar

**HB 579** with Committee Substitute attached thereto, **HB 626, HB 697, SB 155, HB 253** with Committee Amendment attached thereto, **HB 425** with Committee Amendment attached thereto, **SB 13** with Committee Amendment attached thereto, **HB 463** with Committee Amendment attached thereto, **HB 575, HB 576, HB 750, HCR 65, HJR 75, HB 81** with Committee Substitute and Committee Amendment attached thereto, **HB 376** with Committee Substitute attached thereto, HB 464 with Committee Amendment attached thereto, **HB 536** with Committee Amendment attached thereto, **HB 623** with Committee Amendment attached thereto, **HB 641, HB 647, HB 690, HB 733** with Committee Amendment attached thereto, **HB 758** with Committee Amendment attached thereto, **HB 108, HB 119** with Committee Amendment attached thereto, **HB 120, HB 123** with Committee Amendment attached thereto, **HB 187** with Committee Amendment attached thereto, **HB 247** with Committee Amendment attached thereto, **HB 429, HB 286, HB 542, HB 652, HCR 67, HB 207** with Committee Amendment attached thereto, **HB 350** with Committee Amendment attached thereto, **HB 497, HB 565, HB 639, HB 643** with Committee Amendments attached thereto, **HB 696** with Committee Amendment attached thereto, **HB 700, HB 712, HR 41, SB 189** with Committee Amendment attached thereto, **SB 190, HB 681, HB 701, HB 708, HB 714, HB 755, SB 121, HB 98** with Committee Substitute attached thereto, and **SB 110** with Committee Substitute attached thereto, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

## Motions, Petitions and Communications

The following members filed Floor Amendments to Bills and Resolutions: Representative Richards, No. 1 to **SB 113**; Representative Blandford, No. 1 to **HB 579**, Title Amendment to **HB 579**; Representative Holloway, No. 1 to **HB 625**; Representative B. Richardson, No. 1 to **SB 231**; Representative DeFalaise, No. 1 to **HB 234**; Representative Hopkins, No. 2 to **SB 75**; Representative Boatwright, No. 4 to **HB 20**; Representative Stephens, No. 2 to **HB 30**; Representative Bevins, No. 1 to **HB 705.**

The House has received the following communication from the Honorable Scott Reed, Chief Justice, Supreme Court of Kentucky:

"The Supreme Court of Kentucky has, by order entered March 1, 1976, directed that a certificate of necessity for the rearrangement of judicial circuits designated later herein and the creation of a new judicial circuit resulting from such rearrangement be transmitted to the General Assembly pursuant to Section 112 (2), (3) of the Constitution of Kentucky.

In accordance with the order, it is hereby certified to the General Assembly that in the opinion of the Court necessity exists for the rearrangement of existing judicial circuits and the creation of a new judicial circuit as follows:

The 3rd Judicial Circuit should be composed of Christian County. The 4th Judicial Circuit should be composed of Hopkins County. The 42nd Judicial Circuit should be composed of Calloway and Marshall Counties, and a new judicial circuit be established to consist of Caldwell, Livingston, Lyon and Trigg Counties, with provision for the creation of the office of circuit judge for the new judicial circuit."

The following members requested that their votes be recorded as follows: Representative Pearl, "nay" on **HB 549;** Representative Morris, "nay" on **HB 549;** Representative Bruce, "nay" on **HB 549;** Representative Craddock, "nay" on **HB 549;** Representative Foster, "yea" on **HB 100;** Representative Ackerson, "nay" on **HB 408.**

Representative J. Allen moved the adoption of the following **HR 88:**

**HR 88,** A RESOLUTION urging the adoption of Kentucky mine safety standards in conformity with the federal standards.

WHEREAS, the enforcement of adequate mine safety standards is important to the well being of Kentuckians who work in open-pit and surface coal mines and ultimately to the availability of this important natural resource; and

WHEREAS, the federal government and the Commonwealth each have adopted rules and regulations pertaining to the safe operation of open-pit and surface coal mines, which now provide differing standards of operation; and

WHEREAS, the Kentucky Department of Mines and Minerals has the administrative authority to bring Kentucky's open-pit and surface mine safety rules and regulations in conformity with the federal standards; and

WHEREAS, the unnecessarily prolonged disparity between the federal and Kentucky open-pit and surface mine safety standards does not serve the needs of the Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Commissioner of the Kentucky Department of Mines and Minerals is strongly urged to act in a more timely and expeditious manner to bring Kentucky's open-pit and surface mine safety rules and regulations in conformity with the federal regulations.

Section 2. That a copy of this resolution be sent to the Commissioner of the Department of Mines and Minerals.

Agreed.

Representative Benson moved that the rules be suspended to waive the time limit for posting **HB 813.**

On the roll call the vote was yeas 57-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blume, Boatwright, Burnette, Clapp, Clarke, Craddock, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gray, Hancock, Head, Holbrook, Imes, Isler, Kidd, King, Kleier, LeMaster, Mann, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Pearl, Richards, B. Richardson, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 4-DeMarcus, Freeman, Gay, R. Turner.

The motion that the rules be suspended to waive the time limit for posting **HB 813** was adopted.

Representative Arnold moved the adoption of the following Legislative Citation No. 36:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Kentucy 4-H Horse Judging Team from Montgomery County for wining first place in the National Horse Judging Contest in Harrisburg, Pennsylvania. This body commends the talents and efforts of team members Kim Caywood, Roberta Hunt, Cissy Enoch, and Kathy Boyd, and coaches Stephen Jackson and Mrs. Martha Prewitt in making this the first National Horse Judging Contest ever to be won by a Kentucky team. This body further acknowledges the individual honors won by the team members and applauds their national recognition as outstanding representatives of the Commonwealth. (Sponsored by Representative Arnold)

Agreed.

Representative Kleier moved that the vote by which the House refused to concur in the Senate Amendment to **HB 178** be reconsidered and that it be placed in Orders of the Day.

On the roll call the vote was yeas 54-Ackerson, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blume, Blythe, Boatwright, Brown, Bruce, Carpenter, Clarke, Craddock, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Givhan, Gray, Guenthner, Hardwick, Hopkins, Isler, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Mason, Maynard, McBride, McGill, Morris, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wible, Wooden. Nays 22-J. Allen, Blandford, Dawahare, DeMarcus, Doss, Fitzgerald, Floyd, Foster, Gay, Hancock, Holbrook, Holloway, Morgan, Nett, P. Richardson, Robinson, Sale, Siler, R. Turner, Wells, White, Wright.

The motion that the vote by which the House refused to concur in the Senate Amendment to **HB 178** be reconsidered and that it be placed in Orders of the Day was adopted.

## Orders of the Day

**HB 436** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Maynard moved the adoption of the following Floor Amendment No. 1 to **HB 436:**

Amend printed copy of House Bill 436 on page 1, line 14 by inserting after "213" a "*(b)(10) [*" and after "(6)" by inserting a "]";

and on page 1, line 15 after "U.S.C." by inserting "*or to employes being compensated in accordance with section 207(m) of Title 29, U.S.C.*".

Agreed.

Representative Maynard moved that **HB 436,** as amended, be passed.

On the roll call the vote was yeas 83-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 7-Bennett, Denham, Doss, Gray, Hughes, Little, Priddy.

**HB 436,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 436,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 422** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved the adoption of the following Floor Amendment No. 1 to **HB 422:**

Amend printed copy of House Bill 422 by deleting everything after the title and substituting in lieu thereof the following:

"WHEREAS, it was represented to the 1974 General Assembly that the enactment of no-fault automobile legislation would result in a substantial reduction in insurance premiums; and

WHEREAS, there is evidence that companies writing no-fault automobile insurance may seek rate increases on July 1, 1976, at a time when the General Assembly will not be in session; and

WHEREAS, the no-fault automobile insurance legislation enacted by the 1974 General Assembly required a reduction of existing premiums for basic reparation benefit coverage by not less than ten (10) percent, which reduction would remain in effect until July 1, 1976; and

WHEREAS, it is the desire of the General Assembly to extend the mandated premium reduction until such time as rate filings are made and examined by the Legislative Research Commission, and results of such examination are made available to the Governor and to the members of the General Assembly before the proposed Special Session of the General Assembly;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.39-330 is amended to read as follows:

(1) The rates for bodily injury liability in the amounts specified in KRS 304.39-110 combined with the rates for uninsured motorists coverage in equal amounts and for basic reparation benefits coverage shall be reduced by each insurer by not less than ten percent (10%) as of the effective date of this subtitle from the rates in effect for each such insurer immediately prior to such date for bodily injury liability in the amounts specified in KRS 304.39-110 combined with the rates for uninsured motorists coverage and the rates charged for one thousand dollars ($1,000) per person medical expense coverage. Such reduced rates shall remain in effect *until January 1, 1977,* [for at least one (1) year,] and thereafter shall not be increased without the approval of the Commissioner of Insurance after hearing. There shall be no exception to the requirements of this section unless the commissioner shall find that the use of such reduced rates required as to any insurer will result in rates which are inadequate under Chapter 304 of the Kentucky Revised Statutes.

(2) The provisions of subsection (1) shall not apply to any policy covering a motor vehicle for which a person who would otherwise be a basic reparation insured has rejected the limitations upon his tort rights and liabilities in accordance with the provisions of KRS 304.39-060(4).

SECTION 2. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 39, IS CREATED TO READ AS FOLLOWS:

All insurers writing coverages provided by Subtitle 39 of KRS Chapter 304 shall file applications for any rate increase proposed to be effective after January 1, 1977, not later than July 1, 1976, and shall in addition to any such filing, submit an additional filing requesting proposed rates as if Subtitle 39 of KRS Chapter 304 had not been enacted.

SECTION 3. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 39, IS CREATED TO READ AS FOLLOWS:

The commissioner shall submit any rate filings under Section 2 of this Act to the Legislative Research Commission, which shall determine the accuracy of the filing and shall report its conclusions and recommendations to the Governor not later than September 1, 1976.

Section 4. For the purpose of conducting the evaluation provided in Section 3 of this Act, there is hereby appropriated to the Legislative Research Commission $50,000 for fiscal year 1976-77."

Agreed.

Representative Stephens moved that **HB 422,** as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Gay, Givhan, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 12-Blythe, Cooper, Crupper, DeMarcus, Denham, Floyd, Foster Gray, Hancock, Maynard, P. Richardson, Wright.

**HB 422,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 422,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 172** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Adams moved that **HB 172** be passed.

On the roll call the vote was yeas 93-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Blair.

**HB 172** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 172** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 113** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the following Committee Amendment to **SB 113.** Agreed

Representative Richards moved that consideration of **SB 113,** as amended, be deferred and that it be first in Orders of the Day on March 8, 1976.

On the roll call the vote was yeas 49-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bevins, Blair, Boatwright, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Floyd, Foster, Guenthner, Hancock, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Jones, King, Kleier, LeMaster, Mason, May, McGill, Morgan, Nett, Overstreet, Priddy, Richards, P. Richardson, Robinson, Sale, Schmidt, Tobin, Vincent, Wells, Wooden, Wright. Nays 36-J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Brinkley, Bruce, Deskins, Donnermeyer, Doss, Dunn, Givhan, Gray, Hardwick, Holloway, Isler, Kenton, Lindsay, Little, Mann, McBee, McBride, Morris, Muncy, O'Brien, Pearl, B. Richardson, Siler, Stewart, Thomas, J. Turner, White, Wible, Yates.

**SB 113,** as amended, was deferred and placed first in Orders of the Day on March 8, 1976.

**HB 93,** with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage: Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **HB 93.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment to the Committee Substitute for **HB 93.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 93:**

Amend printed copy of Committee Substitute for House Bill 93 on page 13, line 21 by adding after the word "granted" the following: "; Provided, however, that this Section shall not apply to condemnations by the Department of Transportation".

Agreed.

Representative Beshear moved that **SB 93,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 69-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Floyd, Gay, Givhan, Hancock, Hardwick, Holbrook, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Stephens, Thomas, R. Turner, Vincent, Wells, Wible, Wooden. Nays 12-Ackerson, W. Allen, Boatwright, Bruce, Burnette, Doss, Gray, Hurst, Morris, Tobin, J. Turner, Wright.

**HB 93,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 93,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 560** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85-B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wright, Yates. Nays 1-Pearl.

**HB 560** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 560** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 562** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87-B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 0.

**HB 562** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 562** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 567** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wooden, Wright,. Nays 0.

**HB 567** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 567** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 573** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, O'Brien, Overstreet, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright. Nays 2-W. Allen, Pearl.

**HB 573** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 573** was passed be reconsidered and said motion be posponed indefinitely. Agreed.

**HB 599** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved that **HB 599** be passed.

On the roll call the vote was yeas 52-Ackerson, Arnold, Bendl, Bennett, Benson Bevins, Blythe, Brown, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Givhan, Gray, Guenthner, Hancock, Head, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearl, Priddy, B. Richardson, Sale, Siemens, Stephens, Tobin, Vincent, Wible, Wooden, Wright. Nays 29-B. Adams, W. Allen, Beshear, Blair, Blandford, Boatwright, Brinkley, Bruce, Burnette, Cooper, Crupper, Dawahare, DeMarcus, Denham, Doss, Gay, Hardwick, Holbrook, Holloway, Hopkins, Morris, Muncy, Rattliff, Richards, Robinson, Siler, J. Turner, R. Turner, White.

**HB 599** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 599** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 631** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved that **HB 631** be passed.

On the roll call the vote was yeas 89-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-Benson, Lindsay.

**HB 631** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 631** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 694** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 694** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 694** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 732,** with Committe Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the Committee Amendment to **HB 732.** Agreed.

Representative Stephens moved that **HB 732,** as amended, be passed.

On the roll call the vote was yeas 93-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 732,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 732,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HR 58** taken from the Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that **HR 58** be passed.

On the roll call the vote was yeas 59-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Carpenter, Clarke, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Givhan, Gray, Hancock, Hopkins, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, May, McBee, McBride, McGill, O'Brien, Overstreet, Pearl, Priddy, Richards, P. Richardson, Sale, Schmidt, Siemens, Stephens, Tobin, J. Turner, Vincent, Wible, Wooden, Yates. Nays 17-W. Allen, Burnette, Craddock, Crupper, DeMarcus, Dunn, Foster, Guenthner, Hardwick, Holbrook, Holloway, Hughes, Jones, Robinson, Siler, White, Wright.

**HR 58** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HR 58** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

.**HJR 66** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative May moved that **HJR 66** be passed.

On the roll call the vote was yeas 87-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Blair.

**HJR 66** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 66** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 137,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved the adoption of the Committee Substitute for **HB 137.** Agreed.

Representative Wible moved the adoption of the following Floor Amendment No. 1 to Committee Substitute for **HB 137:**

Amend printed copy of Committee Substitute for House Bill 137 on page 12, line 20 by adding after the word "party", and before the comma, the following: "*who institutes a proceeding for judicial review under Section 18 of this Act*" and on page 42, delete all of lines 21 through 26;

and on page 43, delete all of the lines on the page;

and on page 72, delete all of lines 4 through 26;

and on page 73, delete all the lines on the page;

and on page 74, delete all of lines 1 through 25;

and on page 131, delete all of lines 25 and 26;

and on pages 132, 133, 134, 135 & 136, delete all of the lines on those pages;

and on page 137, delete all of lines 1, 2 & 3;

and on page 151, line 14, after the words "according to", add the words "*this Act* ["

and on line 15, insert a closing bracket after the number "205.160"

and on lines 21 & 22, delete the words "*in accordance with this Act*";

and on page 152, line 22, after the word "parties," and before the word "such", add the word "*provided*";

and on line 23, after the word "ducted", and before the words "*in accordance*", add the words "*by the appeal board shall be*";

and on page 152, line 23, after the word "*with*" and before the word "*this*", add the following words: *Sections 4, 5, 6, 7, 8, 9, 10, 14, 16, 17(1), 18, 19 & 20 of*";

and on page 280, line 9, insert an opening bracket before the word "under";

and on line 10, insert a closing bracket after the word "otherwise" and before the period;

and on page 286, delete all of lines 15 through 26;

and on page 287, delete all of lines 1 through 3;

and on page 334, delete all of lines 24 through 26;

and on page 335, delete all of lines 1 through 8;

and on page 440, delete all of line 26;

and on page 441, delete all of the lines on the page;

and on page 442, delete all of lines 1 through 10;

and on page 491, delete all of lines 20 through 26;

and on page 492, delete all lines on the page;

and on page 493, delete all of lines 1 through 3;

and on page 504, line 22, delete the word "*schedule*";

and on line 23, delete the words "*and conducted in accordance with this Act*";

and on line 24, delete the words "*notice as prescribed in this Act*";

and on line 25, delete the brackets in front of "a" and after "made";

and on page 549, between lines 7 and 8, insert a New Section to read as follows:

"*Section 369. KRS 205.234 is repealed.*";

and on line 8, after the word "Section", add the number "*370* ";

and on line 8, after the number "376", and before the period, insert a closing bracket;

and make section number changes as required;

and on page 75, line 13, change the word "*he;e aring*" to read "*hearing*".

Agreed.

Representative Wible moved that **HB 137,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 71-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Burnette, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holloway, Hopkins, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 7-W. Allen, Cooper, Guenthner, Holbrook, Hughes, Little, Morgan.

**HB 137,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 137,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 138,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Substitute for **HB 138.** Agreed.

Representative Clarke moved that **HB 138,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 75-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden, Wright. Nays 6-Denham, Fitzgerald, Guenthner, Jones, Lindsay, Priddy.

**HB 138,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 138,** by way of Committee Substitute, was passed be reconsidered and said motion be posponed indefinitely. Agreed.

**HB 333** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burnette moved that **HB 333** be passed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Deitz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden, Wright. Nays 0.

**HB 333** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 333** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 453,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Tobin moved the adoption of the Committee Substitute for **HB 453.** Agreed.

Representative Tobin moved that **HB 453,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 34-Ackerson, Bennett, Benson, Beshear, Blume, Blythe, Brinkley, Brown, Carpenter, Clarke, Cooper, Craddock, DeMarcus, Denham, Donnermeyer, Givhan, Guenthner, Holbrook, Holloway, Hopkins, Kidd, Kleier, Mason, McBride, McGill, Nett, O'Brien, Sale, Schmidt, Siemens, Tobin, Thomas, Wible, Wooden. Nays 50-B. Adams, J. Allen, W. Allen, Bendl, Bevins, Blair, Blandford, Boatwright, Bruce, Burnette, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Gray, Hancock, Hardwick, Head, Hughes, Hurst, Isler, Jones, Kenton, King, LeMaster, Little, Mann, May, McBee, Morgan, Muncy, Overstreet, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Siler, Stephens, J. Turner, Wells, White, Wright.

**HB 453,** by way of Committee Substitute, was defeated.

Representative J. Allen moved that the vote by which **HB 453** was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their positions. Agreed.

### Senate Message

Announcing passage of **SB 203, SB 344, SB 342, SB 341, SB 339, SB 299, SB 296,** SB 294, **SB 264, SB 262, SB 337, SB 279, SB 277,** and **HB 374.**

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions and Report of Committees. Agreed.

### Introduction of Bills and Resolutions

**HB 825,** by Representative White: AN ACT relating to the state treasurer.

**HB 826,** by Representative White: AN ACT relating to the state treasurer.

**HB 827,** by Representatives O'Brien and Benson: AN ACT relating to educational opportunity.

**HB 828,** by Representative Stephens: AN ACT relating to dentists.

## Report of Committees

The Committee on Appropriations and Revenue reported **HB 4,** with Committee Substitute No. 2 attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

**HB 4,** AN ACT relating to the collection and distribution of taxes for education and other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:
It is the intention of the General Assembly in adopting this Act to encourage local supplement of the funds distributed from the public common school foundation program fund by providing districts with substantially equal power to generate funds for this purpose through a program of district power equalization.

SECTION 2. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:
(1) There is hereby established a public common school district power equalization program fund consisting of appropriations for distribution to districts in accordance with the provisions of this Act.
(2) The resources of the public common school district power equalization program fund shall be paid into the state treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

SECTION 3. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:
On or before January 1 of each year, the Department of Revenue shall determine the equalized fair cash value, as of the previous January 1, of all property subject to taxation for school purposes in each district, and shall certify such information to the superintendent of public instruction for use in determining the amount of state power equalization support for each school district.

SECTION 4. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:
(1) The superintendent of public instruction shall calculate the amount of state power equalization support for each district in the following manner:
(a) Determine the equalized fair cash value of property per pupil in each district by dividing the district's equalized fair cash value of property by its average daily attendance.
(b) Determine the current maximum local discretionary revenue yield per pupil in each district by multiplying the district's equalized fair cash value of property per pupil by the district's total school tax rate, less any special voted building fund tax rate and any sinking fund tax rate. The net rate used in this calculation shall not exceed the supported rate as provided for in Section 5 of this Act.
(c) Determine the guaranteed local discretionary revenue yield per pupil in each district by multiplying the equalized fair cash value of property per pupil of the county district with the highest fair cash value of property per pupil in the state by each district's total school tax rate less any special voted building fund tax rate and any sinking fund tax rate. The net rate used in this calculation shall not exceed the supported rate as provided for in Section 5 of this Act.
(d) Multiply the difference between each district's current maximum local discretionary revenue yield per pupil (as determined in subparagraph (b) of this section) and its guaranteed local discretionary revenue yield per pupil (as determined in subparagraph (c) of this section) by its average daily attendance. The result shall be the amount of state power equalization support for each district.
(2) Equalized fair cash value of property and average daily attendance as used in this section shall be the prior year's equalized fair cash value of property and average daily attendance. School tax rates as used in this section shall be the current year's school tax rates.

SECTION 5. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:
(1) Prior to July 1 of each fiscal year the superintendent of public instruction shall determine the maximum tax rate which the available fund will support, and the superintendent will fix that rate as the maximum rate to be supported by the district power equalization program. The rate to be supported by the district power equalization program shall always be an identical rate for all districts.

SECTION 6. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:
(1) Notwithstanding any statutory provisions to the contrary, the board of education of any district in any year in which the total school tax rate, less any special voted building fund tax rate and any sinking fund tax rate, is less than the maximum rate supported by the district power equalization program as provided for

in Sections 4 and 5 of this Act, may request the local tax levying authority to increase the rate in any amount not to exceed the maximum rate supported by the district power equalization program. The levying authority shall adopt an ordinance or resolution submitting to the qualified voters of the district, in the manner of submitting and voting as prescribed in paragraph (b) of subsection (1) of KRS 160.477, the question whether a rate which would produce revenues in excess of the maximum provided by subsection (2) of KRS 160.470 shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy the rate requested by the board not to exceed the rate authorized by the voters.

SECTION 7. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

For each school year the executive department for finance and administration, on the certification of the superintendent of public instruction, shall draw warrants as specified hereinafter on the state treasurer for the amount of the state power equalization support due each district. Checks shall be issued by the state treasurer and transmitted to the Department of Education for distribution to the proper officials of the school districts when the districts have fully complied with the school laws and rules and Kentucky administrative regulations of the state board of education. The superintendent of public instruction shall determine on or before July 1 of each year the tentative allotment of school funds to which each district is entitled under the provisions of this Act. This allotment will be based on the prior year's school tax rate. Beginning July 1 of each year and on the first of each month thereafter, one-twelfth (1/12) of each district's share of the state power equalization support shall be distributed. On or before March 1 of each year, the superintendent of public instruction shall determine the exact amount of the state power equalization support to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of the final calculation and for each successive month thereafter.

SECTION 8. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

(1) No district shall be eligible for the state power equalization support provided for in this Act during any fiscal year in which the district board of education specifies in its budget for that fiscal year a total school tax rate, less any special voted building fund tax rate and any sinking fund tax rate, which would produce less revenue than was produced by the application of that district's total school tax rate for fiscal year 1976-77, less thirty cents (30¢), and less any special voted building fund tax rate and sinking fund tax rate for fiscal year 1976-77, to that district's 1976 assessment specified under KRS 160.460(3).

(2) The superintendent of public instruction shall not certify to the executive department for finance and administration for payment of the state power equalization support for any fiscal year a school district which has become ineligible for such support as provided in subsection (1) above.

(3) Any district receiving a tentative allotment under Section 7 of this Act which does not meet the requirement of subsection (1) above shall return all funds received to the District Equalization Program Fund.

Section 9. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of *thirty-one and one-half cents (31-1/2¢)* [one and one-half cents (1 1/2¢)] upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25¢) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, *fifteen cents (15¢ ) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15¢) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15¢) upon property which has been certified as a pollution control facility as defined in KRS 224.850,* and *forty-five cents (45¢)* [fifteen cents (15¢)] upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trade-marks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205 (3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

Section 10. KRS 136.270 is amended to read as follows:

(1) An annual tax of *eighty-five and one-half cents (85 1/2¢)* [forty-seven and one-half cents (47 1/2¢)] on each one hundred dollars ($100) of their fair cash value is hereby imposed upon the shares of stock of state banks and trust companies incorporated under the laws of this state, and of national banks doing business in this state. The tax shall be paid to the sheriff of the county annually by the banks and trust companies, for and on behalf of the owners of the shares of stock. The tax shall be for state purposes only, and in lieu of all other taxes upon such shares by the state, or any county, city or other taxing district, except as provided in subsection (2), (3) and (4) of this section.

(2) The county in which the bank or trust company is located may impose a tax of not exceeding nineteen cents (19¢) on the one hundred dollars ($100) of the fair cash value of the shares.

(3) The city in which the bank or trust company is located may impose a tax of not exceeding nineteen cents (19¢) on the one hundred dollars ($100) of the fair cash value of the shares.

[(4) A tax not exceeding thirty-eight cents (38¢) on the one hundred dollars ($100) of the fair cash value of the shares may be imposed for school purposes in the district in which the bank or trust company is located.]

Section 11. KRS 136.320 is amended to read as follows:

(1) Each life insurance company incorporated under the laws of and doing business in Kentucky shall value as of January 1 and report to the Department of Revenue by July 15, 1966, and by April 1 each year thereafter, on forms prescribed by the Department of Revenue, the following:

(a) The fair cash value of the company's intangible personal property, hereinafter referred to as "capital," consisting of all money in hand, shares of stock, notes, bonds, accounts and other credits, exclusive of due and deferred premiums, whether secured by mortgage, pledge or otherwise, or unsecured.

(b) The fair cash value of the company's intangible personal property exempt from taxation by law.

(c) The aggregate amount of company's reserves, reduced by the amount of due and deferred premiums, maintained in accordance with the applicable provisions of KRS 304.6-040 and KRS 304.6-130 to 304.6-180, on all outstanding policies and contracts supplementary thereto.

(d) Such other information as may be required by the Department of Revenue to accurately determine the fair cash value of each company's "taxable capital" and "taxable reserves."

(2) Based on information supplied by each company and such other information as may be available, the department of revenue shall value each company's "taxable capital" and "taxable reserves" as follows:

(a) "Taxable capital" shall be determined by deducting "taxable reserves" from "capital," less exempt intangible personal property.

(b) "Taxable reserves" shall be determined by multiplying the aggregate amount of reserves as computed in subsection (1) (c) of this section by the percentage determined by dividing "capital," less exempt intangible personal property, by "capital," including exempt intangible personal property.

(3) An annual tax of *seventy cents (70¢)* [forty cents (40¢)] on each one hundred dollars ($100) of the fair cash value of "taxable capital" and one-tenth of one cent ($.001) on each one hundred dollars ($100) of the fair cash value of "taxable reserves" shall be imposed for state purposes. The tax shall be in lieu of all excise, license, occupational, or other taxes imposed by the state, county, city, or other taxing district, except as provided in subsections (4), (5), and (6) of this section.

(4) The county in which the principal office of the company is located may impose a tax of fifteen cents (15¢) on each one hundred dollars ($100) of "taxable capital."

(5) The city in which the principal office of the company is located may impose a tax of fifteen cents (15¢) on each one hundred dollars ($100) of "taxable capital."

[(6) The local school district in which the principal office of the company is located may impose a tax of thirty cents (30¢) on each one hundred dollars ($100) of "taxable capital."]

*(6)* [(7)] The department of revenue shall by September 1 each year bill each company for the state taxes. It shall immediately certify to the county court clerk of the county in which the principal office of the company is located the value of "taxable capital" subject to local taxation. The county court clerk shall prepare and deliver a bill to the sheriff for collection of taxes collectible by the sheriff and shall certify the value to all other collecting officers of districts authorized to levy a tax.

*(7)* [(8)] Each company's real and tangible personal property shall be subject to taxation at fair cash value by the state, county, school, and other taxing districts in which such property is located in the same manner and at the same rates as all other property of the same class.

*(8)* [(9)] Taxes on property subject to taxation under this section shall be subject to the same discount and penalties as provided in KRS 134.020 and shall be collected in the same manner as taxes on property locally assessed, except that the state tax on the "taxable capital" and "taxable reserves" shall be collected directly by the department of revenue.

*(9)* [(10)] Any taxpayer subject to taxation under this section may protest in the manner provided in KRS 131.110.

Section 12. KRS 157.320 is amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session for the year;

(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year;

(3) "Board" means the board of education of any county or independent school district;

(4) "Classroom unit" means the unit for measuring educational needs for foundation program purposes;

(5) "District" means any school district as defined by law;

(6) "Elementary school" means a school consisting of grades kindergarten through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(7) "Foundation program" means the level of educational services and facilities, as defined in KRS 157.310 to 157.440, which is to be provided in each district from the required local tax effort and the public school foundation program fund;

(8) "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the state board of education, based on factors to include distance by the nearest passable road from another appropriate school center which is able to receive the pupils, and the time for transportation necessary to attend another school;

(9) "Public school foundation program fund" means the fund created by KRS 157.330 for use in financing education in public elementary and secondary schools;

(10) "Kentucky administrative regulations of the state board of education" means those regulations which the state board of education may adopt upon the recommendation and with the advice of the superintendent of public instruction. The superintendent of public instruction shall recommend for adoption of the state board of education such rules and regulations as he deems necessary for carrying out the purposes of KRS 157.310 to 157.440;

[(11) "Required local tax effort" means the amount of money required to be provided by a district from tax revenue sources only;]

*(11)* [(12)] "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of KRS 157.310 to 157.440;

*(12)* [(13)] "Single salary schedule" means a schedule adopted by a local board and approved by the state board of education upon recommendation of the superintendent of public instruction which is based on training, experience and such other factors as the state board of education may approve and which does not discriminate between salaries paid elementary and secondary teachers;

*(13)* [(14)] "Teacher" means any regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment.

Section 13. KRS 157.350 is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public school foundation program funds:

(1) Employs and compensates all teachers for not less than 185 days, Provided, That the state board of education, upon recommendation of the superintendent of public instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than 185 days, in which case the eligibility of a district for participation in the public school foundation program shall be in proportion to the length of time teachers actually are employed;

(2) Operates all schools for a term as provided in KRS 158.070 and Kentucky administrative regulations of the state board of education, Provided, however, That if the school term is less than 185 days for any reason approved by the state board of education on recommendation of the superintendent of public instruction the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of term the schools actually operate;

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;

[(4) Makes the required local tax effort except as otherwise provided by subsection (3) of KRS 157.400;]

*(4)* [(5)] Includes no nonresident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence. This subsection does not apply to those pupils enrolled in an approved class conducted in a hospital;

*(5)* [(6)] Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same for girls;

*(6)* [(7)] Any school district which fails to comply with subsection (5) shall be prohibited from participating in varsity competition in any sport for one (1) year. Determination of failure to comply shall be made by the department of education after a hearing requested by any person within the school district. A district under this subsection shall, at such hearing, have an opportunity to show inability to comply.

Section 14. KRS 157.380 is hereby repealed.

Section 15. KRS 157.400 is amended to read as follows:

(1) The amount of money distributable to each district from the public school foundation program fund shall be [determined by subtracting the required local tax effort from the total foundation program allotment for the district] as determined in KRS 157.390.

(2) (a) If it shall be determined in subsection (1) of this section that the amount of money distributable to a school district for the school year 1976-77 shall be less than $327 per pupil in average daily attendance and, beginning in the 1977-78 school year, that the amount of money distributable to a school district shall be less than $327 per pupil in average daily attendance, then the apportionment for that district shall be increased to $327 per pupil in average daily attendance in 1976-77 and beginning in the 1977-78 school year the apportionment for that district shall be increased to $327 per pupil in average daily attendance; provided, however, if a district fails to provide the total potential classroom units under subsections (2), (7), (8) and (9) of KRS 157.360 and at least as many classroom units under subsections (5) and (6) of KRS 157.360 as were provided in each of these subsections in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(b) The average daily attendance referred to in this subsection shall be the prior year average daily attendance of the district adjusted proportionally for any increase in classroom units allotted the district under provisions of subsection (4) of KRS 157.360.

(c) The classroom unit requirement under this subsection relating to classroom units under subsections (5) and (6) of KRS 157.360 may be waived for any district by the superintendent of public instruction when it is shown that the need for these educational services no longer exists.

(3) In the event a district whose appropriation is increased under subsection (2) of this section is allotted classroom units under subsections (5), (6) and (10) of KRS 157.360 in excess of the number of such units allotted that district in 1955-56, then the allotment to that district determined in subsection (2) of this section shall be increased by the foundation program cost of these units determined in accordance with subsections (2), (4) and (5) of KRS 157.390.

(4) If the per pupil allotment to a school district as determined in subsections (1) and (3) of this section is an amount less than the allotment per pupil under KRS 157.400 during the next immediately preceding fiscal year, then the allotment shall be increased by an amount necessary to provide a per pupil average daily attendance allotment equal to the per pupil average daily attendance allotment for the next immediately preceding year; provided, however, if a district fails to provide the total potential classroom units under subsections (2), (7), (8), and (9) of KRS 157.360 and at least as many classroom units under subsection (5) or (6) of KRS 157.360 as were provided in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

Section 16. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall submit a budget *for 1977-78* which would require more revenue from local ad valorem taxes than would be produced by application of the *1976-77* [preceding year's] rate, *minus thirty cents (30¢),* to the *1976-77* [preceding year's] assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in *Section 6 of this Act* [subsection (3) of KRS 157.380 and as provided in subsection (4) of this section]. *In succeeding years, no district board of education shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in Section 6 of this Act.* In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) The superintendent of public instruction shall certify to each district board of education, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the *1976-77* [preceding year's] rate, *minus thirty cents (30¢),* to the *1976-77* [preceding year's] assessment. *In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.*

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the *1976-77* [preceding year's effective tax] rate, *minus thirty cents (30¢),* to the net assessment growth in each school district. *In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's rate to the net assessment growth in each school district.* The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

[(c) The superintendent of public instruction shall compile a list of those school districts in which the general fund ad valorem tax for the 1965-1966 school year was levied at a rate less than the $1.50 maximum then authorized by KRS 160.475. The superintendent of public instruction shall then calculate for each such district the revenue that would have been produced for the 1965-1966 school year if such tax had been levied at the $1.50 rate. He shall then re-calculate the maximum permissible local ad valorem tax revenue that would have been authorized for each such district for the 1966-1967, 1967-1968, 1968-1969 and 1969-1970 school years as though the 1965-1966 tax had been levied at the $1.50 rate, including in such re-calculation the revenue that would have been derived from taxation of net assessment growth under paragraph (b) of this subsection and the revenue that would have been derived from any percentage increases actually adopted by the district under subsection (4) of this section. The maximum permissible local ad valorem tax revenue so re-calculated for the 1969-1970 school year shall, for such districts, be deemed the total amount of ad valorem tax revenue to be determined by the superintendent for the 1970-1971 school year under paragraph (a) of this subsection.]

*(c)* [(d)] The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section [, except as otherwise therein prescribed].

[(e) Any school district which is not contemplating capital construction and which is eligible for the increase allowed in paragraph (c) of this subsection may elect to take advantage of the increase in equal stages over a period of three years.]

[(4) Notwithstanding the limitations contained in subsection (2) of this section, any district board of education which in preparing its proposed budget deems that it will require an amount of revenue greater than that permitted in subsection (2) of this section may submit to the levying authority for the school years 1966-1967 and 1967-1968 a budget which could require an increase in such revenue of not more than 10 per cent after compliance with the following:]

[(a) The district board of education shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding 10 per cent is being proposed. Said advertisement shall state that the district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.]

[(b) The district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.]

*(4)* [(5)] Three (3) copies of the budget shall be filed with the clerk of the tax-levying authority of the district within three (3) days after the district board of education has received its assessment data. The clerk shall present the budget to the proper tax-levying authority when the authority convenes to fix its school levy. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

*(5)* [(6)] Within three (3) days after the tax-levying authority has fixed the tax rate, the district board of education shall forward two (2) copies of the budget to the state board of education for its approval or disapproval. The budget shall be disapproved if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval.

*(6)* [(7)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective until approved by the state board of education.

*(7)* [(8)] Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

Section 17. KRS 160.475 is amended to read as follows:

(1) Except as otherwise provided in KRS 160.470(2), 160.476(4) and 160.477(6) the ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district, shall be not [less than twenty-five cents (25¢) annually on each one hundred dollars ($100) of property subject to local taxation nor] more than one dollar and fifty cents ($1.50) annually on each one hundred dollars ($100) of property subject to local taxation.

(2) All existing subdistrict school tax levies, except those required to retire voted bonds, are hereby abolished.

[(3) In any school district which levied a poll tax in 1973, the superintendent of public instruction may include the revenue received from the poll tax in that year in computing the maximum permissible revenue for 1974 under the provisions of KRS 160.470(3).]

SECTION 18. A NEW SECTION OF KRS CHAPTER 134 IS CREATED TO READ AS FOLLOWS:

If, in the collection of state and school property taxes for 1977-78 any sheriff's commission is less than he would have received if Section 9 of this Act had not been enacted, the state shall supplement his commission for collecting state taxes to the extent of the difference.

SECTION 19. KRS 157.310 IS CREATED TO READ AS FOLLOWS:

In KRS 157.310 to 157.440 and subsection (2) of KRS 157.990, it is the intention of the general assembly to assure substantially equal public school educational opportunities, through a foundation program, for those in attendance in the public schools of the commonwealth, but not to limit nor to prevent any school district from providing educational services and facilities beyond those assured by the foundation program; and to provide, as additional state funds are made available for the public schools, for the use of such funds for the further equalization of educational opportunities. KRS 157.310 to 157.440 and subsection (2) of KRS 157.990, shall be interpreted as a measure to provide for an efficient system of public schools throughout the commonwealth, as prescribed by Section 183 of the Constitution of Kentucky, and for the manner of distribution of the public school fund among the districts and its use for public school purposes, as prescribed by Section 186 of the Constitution.

SECTION 20. KRS 157.312 IS CREATED TO READ AS FOLLOWS:

It is the intention of the general assembly in KRS 157.312 to 157.320, 157.360 and 158.030 to authorize a local board of education to operate a public kindergarten in the common schools during 1973-74 and subsequent years.

SECTION 21. KRS 157.315 IS CREATED TO READ AS FOLLOWS:

Upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall adopt regulations defining and prescribing the criteria for kindergartens in the common schools and the eligibility requirements of pupils to attend these classes.

SECTION 22. KRS 157.320 IS CREATED TO READ AS FOLLOWS:

As used KRS 157.310 to 157.440, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session for the year;

(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year;

(3) "Board" means the board of education of any county or independent school district;

(4) "Classroom unit" means the unit for measuring educational needs for foundation program purposes;

(5) "District" means any school district as defined by law;

(6) "Elementary school" means a school consisting of grades kindergarten through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(7) "Foundation program" means the level of educational services and facilities, as defined in KRS 157.310 to 157.440, which is to be provided in each district from the required local tax effort and the public school foundation program fund;

(8) "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the state board of education, based on factors to include distance by the nearest passable road from another appropriate school center which is able to receive the pupils, and the time for transportation necessary to attend another school;

(9) "Public school foundation program fund" means the fund created by KRS 157.330 for use in financing education in public elementary and secondary schools;

(10) "Kentucky administrative regulations of the state board of education" means those regulations which the state board of education may adopt upon the recommendation and with the advice of the superintendent of public instruction. The superintendent of public instruction shall recommend for adoption of the state board of education such rules and regulations as he deems necessary for carrying out the purposes of KRS 157.310 to 157.440;

(11) "Required local tax effort" means the amount of money required to be provided by a district from tax revenue sources only;

(12) "Secondary schools" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of KRS 157.310 to 157.440;

(13) "Single salary schedule" means a schedule adopted by a local board and approved by the state board of education upon recommendation of the superintendent of public instruction which is based on training, experience and such other factors as the state board of education may approve and which does not discriminate between salaries paid elementary and secondary teachers;

(14) "Teacher" means any regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment.

SECTION 23. KRS 157.330 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established the public school foundation program fund consisting of appropriations for distribution to districts in accordance with the provisions of KRS 157.310 to 157.440.

(2) The resources of the public school foundation program fund shall be paid into the state treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

SECTION 24. KRS 157.350 IS CREATED TO READ AS FOLLOWS:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public school foundation program funds:

(1) Employs and compensates all teachers for not less than 185 days, Provided, That the state board of education, upon recommendation of the superintendent of public instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than 185 days, in which case the eligibility of a district for participation in the public school foundation program shall be in proportion to the length of time teachers actually are employed;

(2) Operates all schools for a term as provided in KRS 158.070 and Kentucky administrative regulations of the state board of education, Provided, however, That if the school term is less than 185 days for any reason approved by the state board of education on recommendation of the superintendent of public instruction the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of term the schools actually operate;

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;

(4) Makes the required local tax effort except as otherwise provided by subsection (3) of KRS 157.400;

(5) Includes no nonresident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence. This subsection does not apply to those pupils enrolled in an approved class conducted in a hospital;

(6) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same for girls;

(7) Any school district which fails to comply with subsection (6) shall be prohibited from participating in varsity competition in any sport for one (1) year. Determination of failure to comply shall be made by the department of education after a hearing requested by any person within the school district. A district under this subsection shall, at such hearing, have an opportunity to show inability to comply.

SECTION 25. KRS 157.360 IS CREATED TO READ AS FOLLOWS:

(1) In determining the cost of the foundation program for each district, the superintendent of public instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for exceptional children, classroom units for superintendents, principals and their certificated assistants and other administrative and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) In allotting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance in grades 1 through 12; provided, however, that one classroom unit shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools.

(3) Under the provisions of subsections (5) and (6) of this section, the average daily attendance, as defined in KRS 157.320(1), shall be deducted for pupils enrolled in new classroom units allotted after July 1, 1974; provided, however, no deduction shall be made for pupils attending state vocational-technical schools or state-operated vocational education centers. For the purpose of this subsection, a new classroom unit shall be defined as any additional vocational or exceptional children unit contained in the biennial budget above the allotment from the biennial budget for 1973-74. Any average daily attendance deducted under this subsection shall be in accordance with Kentucky administrative regulations of the state board of education as recommended by the superintendent of public instruction.

(4) Allotments of classroom units in accordance with subsection (1) of this section shall be made on the average daily attendance in grades 1 through 12 for the previous school year; provided, however, that if the average daily attendance in grades 1 through 12 in any district for the first two months of the current school year is greater than the average daily attendance of the district for the first two months of the previous school year, upon application of the district board, made prior to December 1, the total number of classroom units allotted the district shall be increased by the percent of increase. If the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year, the number of classroom units allotted the district for the ensuing school year shall be increased by the difference in percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio fo the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

(5) In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher of vocational classes that meet the regulations of the state plan of vocational education as approved by the state board of education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach part-time or short unit classes for less than a school day or a school year that meet the regulations of the state plan of vocational education as approved by the state board of education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(6) In allotting classroom units for exceptional children, one classroom unit shall be included upon the employment of each teacher approved to teach such children in accordance with the provisions of law and Kentucky administrative regulations of the state board of education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(7) In allotting classroom units for superintendents, principals, their certificated assistants, and other administrative and special instructional service personnel, the total number of classroom units allotted in subsections (2), (5), (6) and (10) shall be divided by eight and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated assistants and other administrative and special instructional service personnel as are authorized by Kentucky administrative regulations of the state board of education. Provided, however, that in allotting classroom units for superintendents, principals, their certificated assistants, and other administrative and special instructional service personnel, the total number of pupils in average daily attendance pursuant to subsections (5) and (6), for new classroom units approved beyond those allotted in the school year 1975-76 shall be divided by two hundred and sixteen (216) and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated assistants, and other administrative and special instructional service personnel pursuant to subsections (5) and (6).

(8) In allotting classroom units for supervisors of instruction, one-half of a classroom unit shall be allotted each district which is allotted twenty-five through forty-nine and nine-tenths classroom units under subsections (2), (5), (6) and (10); one unit shall be allotted each district which is allotted fifty to one hundred classroom units, one unit shall be allotted for each one hundred classroom units, or major fraction thereof, in districts allotted more than one hundred classroom units under these subsections.

(9) In allotting classroom units for directors of pupil personnel, one classroom unit shall be allotted each district which is allotted thirty-six to one hundred and sixty-five and nine-tenths classroom units under subsection (2) and a unit fir each additional two hundred and sixty-six classroom units or fraction thereof allotted under subsection (2). For districts having fewer than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

(10) In allotting classroom units for kindergarten, the superintendent of public instruction, under Kentucky administrative regulations of the state board of education, may allot units for kindergarten. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(11) In allotting classroom units under subsections (1) through (10) the superintendent of public instruction, under Kentucky administrative regulations of the state board of education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis.

SECTION 26. KRS 157.370 IS CREATED TO READ AS FOLLOWS:

(1) In determining the cost of the foundation program for each district, the superintendent of public instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile of area served by not less than nine different density groups.

(2) The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the Kentucky administrative regulations of the state board of education for such districts that operate district-owned vehicles.

(3) The aggregate and average daily attendance of transported pupils shall include all public school pupils transported at public expense who live one mile or more from school, provided that handicapped children may be included who live less than this distance from school. The aggregate and average daily attendance referred to in this subsection shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with state board of education regulations.

(4) The square miles of area served by transportation shall be determined by subtracting from the total area in square miles of the district the area not served by transportation, determined in accordance with the Kentucky administrative regulations of the state board of education provided that if one district authorizes another district to provide transportation for a part of its area, such area served shall be deducted from the area served by that district and added to the area served by the district providing the transportation.

(5) The density of transported pupils per square mile of area served for each district shall be determined by dividing the average daily attendance of transported pupils by the number of square miles of area served by transportation.

(6) The superintendent of public instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density by constructing a smoothed graph of cost for all density groups as provided in subsection (1). This graph shall be used to construct a scale showing the average costs of transportation for districts having a similar density of transported pupils. Such costs shall be determined separately for county school districts and independent school districts, provided that no independent school district will receive an average cost per pupil per day in excess of the minimum received by any county district or districts. These costs shall be the costs per pupil per day of transported pupils included in the foundation program and such costs shall be recalculated each biennium.

(7) The scale of transportation costs included in the foundation program for county and independent districts is determined in accordance with the provisions of KRS 157.310 to 157.440 for the biennium beginning July 1, 1960.

(8) The cost of transporting a district's pupils from the parent school to a state vocational-technical school or to a vocational educational center shall be calculated separately from the calculation required by sections (1) through (7) of this section. The amount calculated shall be paid separately to each district from minimum foundation program funds budgeted for vocational pupil transportation, as a reimbursement based on the district's cost for providing this service. The amount of reimbursement shall be calculated in accordance with state board of education regulations. In the event that the appropriation for vocational pupil transportation in the biennial budget is insufficient to meet the total calculated cost of this service for all districts, the amount paid to each district shall be ratably reduced. For the purpose of this subsection, the parent school shall be interpreted to mean that school in which the pupil is officially enrolled in a district's public common school system.

(9) The state board of education, by Kentucky administrative regulation, shall determine the type of handicapped pupil that qualifies for special type transportation to and from school. Those qualified pupils for which the district provides special type transportation shall have their aggregate days attendance multiplied by 5.0 and added to that part of the district's aggregate days attendance that is multiplied by the district's adjusted cost per pupil per day in determining the district's pupil transportation program cost for allotment purposes.

SECTION 27. KRS 157.380 IS CREATED TO READ AS FOLLOWS:

(1) On or before January 1 of each year the department of revenue shall determine the fair cash value of all property subject to assessment for school purposes, including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425, and shall determine the percentage the fair cash value in each district is of the total equalized value of all property in the commonwealth subject to taxation for school purposes and shall certify such information to the superintendent of public instruction for use in determining the required local tax effort for each district for the fiscal year beginning on July 1, next after such certification.

(2) The superintendent of public instruction shall for the 1968-69 fiscal year use the aggregate required local tax effort and the required local tax effort for the respective school districts which were determined for use during the 1967-68 fiscal year. For each fiscal year subsequent to 1968-69, the aggregate required local tax effort for the commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total equalized value of all property in the commonwealth subject to school taxation for school purposes by the aggregate required local tax effort of the commonwealth.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

SECTION 28. KRS 157.390 IS CREATED TO READ AS FOLLOWS:

(1) (a) The Superintendent of Public Instruction, under Kentucky administrative regulations of the State Board of Education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree or its equivalent and who have earned thirty semester hours of approved graduate work or its equivalent, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree or its equivalent.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six to 128 semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank for calculation of the amount to be included in the foundation program.

Rank V. Those holding certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent.

(b) In determining ranks, the Superintendent of Public Instruction, under Kentucky administrative regulations of the State Board of Education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) (a) The amount to be included in each school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the biennial budget schedule for each rank and experience for a term of 185 days. Provided, the amount to be included for units allotted under KRS 157.360(5), (7), (8) and (9) shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under Kentucky administrative regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(b) The State Board of Education with the recommendation of the Superintendent of Public Instruction, may designate local school districts as Experimental Districts for the utilization of para-professionals and teacher aides including the utilization of para-professionals and teacher aides for exceptional children. In experimental districts, foundation program fund calculations shall include, with respect to one or more schools in the district, an amount for para-professionals and teacher aides. This amount may be equal to fifty (50) percent of the amount included for a teacher in Rank III with no experience, multiplied by the number of approved para-professionals and teacher aides employed in the designated school or schools.

(d) In the calculation of classroom units for the purpose of allocation of teachers' salaries only, the State Board of Education may use a ratio greater than twenty-seven to one for such calculations regarding the experimental districts designated pursuant to paragraph (b) of this subsection.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by the amounts set forth in the biennial budget.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by the amounts set forth in the biennial budget.

(5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4) and (5) of this section.

SECTION 29. KRS 157.400 IS CREATED TO READ AS FOLLOWS:

(1) The amount of money distributable to each district from the public school foundation program fund shall be determined by subtracting the required local tax effort from the total foundation program allotment for the district as determined in KRS 157.390.

(2) (a) If it shall be determined in subsection (1) of this section that the amount of money distributable to a school district for the school year 1976-77 shall be less than $300 per pupil in average daily attendance and, beginning in the 1977-78 school year, that the amount of money distributable to a school district shall be less than $327 per pupil in average daily attendance, then the apportionment for that district shall be increased to $300 per pupil in average daily attendance in 1976-77 and beginning in the 1977-78 school year the apportionment for that district shall be increased to $327 per pupil in average daily attendance; provided, however, if a district fails to provide the total potential classroom units under subsections (2), (7), (8) and (9) of KRS 157.360 and at least as many classroom units under subsections (5) and (6) of KRS 157.360 as were provided in each of these subsections in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(b) The average daily attendance referred to in this subsection shall be the prior year average daily attendance of the district adjusted proportionally for any increase in classroom units allotted the district under provisions of subsection (4) of KRS 157.360.

(c) The classroom unit requirement under this subsection relating to classroom units under subsections (5) and (6) of KRS 157.360 may be waived for any district by the superintendent of public instruction when it is shown that the need for these educational services no longer exists.

(3) In the event a district whose appropriation is increased under subsection (2) of this section is allotted classroom units under subsections (5), (6) and (10) of KRS 157.360 in excess of the number of such units allotted that district in 1955-56, then the allotment to that district determined in subsection (2) of this section shall be increased by the foundation program cost of these units determined in accordance with subsections (2), (4) and (5) of KRS 157.390.

(4) If the per pupil allotment to a school district as determined in subsections (1) and (3) of this section is an amount less than the allotment per pupil under KRS 157.400 during the next immediately preceding fiscal year, then the allotment shall be increased by an amount necessary to provide a per pupil average daily attendance allotment equal to the per pupil average daily attendance allotment for the next immediately preceding year; provided, however, if a district fails to provide the total potential classroom units under subsections (2), (7), (8), and (9) of KRS 157.360 and at least as many classroom units under subsection (5) or (6) of KRS 157.360 as were provided in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

SECTION 30. KRS 157.410 IS CREATED TO READ AS FOLLOWS:

For each school year the executive department for finance and administration, on the certification of the superintendent of public instruction, shall draw warrants as specified hereinafter on the state treasurer for the amount of the public school foundation program fund due each district. Checks shall be issued by the state treasurer and transmitted to the department of education for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and Kentucky administrative regulations of the state board of education. The superintendent of public instruction shall determine on or before August 15 of each year the tentative allotment of school funds to which each district is entitled under the provisions of KRS 157.310 to 157.440. On July 1, August 1, and September 1, of each fiscal year, one-twelfth of the prior year's allotment minus the capital outlay shall be paid each school district. On the first of each month thereafter until the final calculation is completed, one-twelfth of each district's share of the tentative calculation for instructional salaries, current expenses, and transportation of the public common school foundation program fund shall be distributed. On or before May 1 of each year the Superintendent of Public Instruction shall determine the exact amount of the public common school foundation program fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of final calculation and for each successive month thereafter. Capital outlay shall be made in two payments. The first, on or before October 1, shall be one-half of the amount calculated on the tentative allocation for capital outlay. The balance due shall be paid on or before May 1.

SECTION 31. KRS 157.420 IS CREATED TO READ AS FOLLOWS:

Public school foundation program funds made available to the credit of each district during any year, shall be received, held and expended by the district board, subject to the provisions of law and Kentucky administrative regulations of the state board of education. The following restrictions shall govern the expenditure of funds from the public school foundation program fund:

(1) The teachers' salaries allotment for each district from the public school foundation program fund and from local sources shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the amount set forth in the biennial budget schedule for each rank and experience for a term of 185 days. No teacher shall be paid less than 93 percent of the public school foundation program fund allotment for that rank for full-time service during the regular school year. This paragraph shall not apply to noncertificated personnel in experimental districts designated pursuant to paragraph (b) of subsection (2) of KRS 157.390.

(2) The state board of education shall not approve any working budget or salary schedule for local boards of education for any school year in which the total amount budgeted for teachers' salaries is not equal to an amount required to maintain the district's salary schedule of the preceding year plus the additional amount for teachers' salaries received by the district.

(3) The capital outlay allotment for each district from the public school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the superintendent of public instruction in accordance with requirements of law, and based on a survey made in accordance with Kentucky administrative regulations of the state board of education. These funds shall be used for the following capital outlay purposes:

(a) For direct payment of construction costs;

(b) For debt service on voted and funding bonds;

(c) For payment or lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For the retirement of any deficit resulting from over-expenditure for capital construction, if such deficit resulted from an emergency declared by the state board of education under KRS 160.550;

(e) As a reserve fund for the above-named purposes, to be carried forward in ensuing budgets; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above-named purposes, the superintendent of public instruction under Kentucky administrative regulations of the state board of education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

(4) If a survey shows that a school district has no capital outlay needs as shown in paragraphs (a), (b), (c), and (d) of subsection (3) of this section, upon approval of the superintendent of public instruction, these funds may be used for school plant maintenance, repair, insurance on buildings, replacement of equipment and purchase of school buses.

SECTION 32. KRS 157.430 IS CREATED TO READ AS FOLLOWS:

If, when the apportionments are being determined under the provisions of KRS 157.310 to 157.440, funds appropriated by the general assembly to the public school foundation program fund plus that portion of the funds required from local tax effort are insufficient to provide the amount of money required under subsections (1), (2), (3), and (4) of KRS 157.400, the superintendent of public instruction shall make a percentage reduction in the allotments to reduce the total of these allotments to funds available.

SECTION 33. KRS 157.990 IS CREATED TO READ AS FOLLOWS:

(1) Any person who wilfully violates any of the provisions of KRS 157.100 to 157.180 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(2) Any person who wilfully violates any of the provisions of KRS 157.310 to 157.440 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

Section 34. KRS 157A.010, 157A.020, 157A.030, 157A.040, 157A.050, 157A.060, 157A.070, 157A.080, 157A.090, 157A.100, 157A.110, 157A.120, 157A.130, 157A.140, 157A.150, 157A.160 and 157A.990 are hereby repealed.

SECTION 35. A NEW SECTION OF CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) Every corporation, company, association, partnership or person engaged in the business of extracting metalliferous or non-metalliferous ore or in the production of oil, gas, coal or other hydrocarbon substances shall, as of January 1 each year, and by March 1, make and deliver a report to the Department of Revenue, verified by the person or officer required to file the same, on such form as the department may prescribe, showing the following facts:

(a) The name, description and location of the mine, oil or gas lease or wells owned or operated by him during the preceding calendar year;

(b) The number of tons of ore, or hydrocarbon substance, the number of cubic feet of gas or the number of barrels of oil produced or extracted during the preceding calendar year;

(c) The type(s) or grade(s) of ore or other hydrocarbon substance held by the person, partnership, company or corporation and the extent of such holdings;

(d) Such other reasonable and necessary information as may be required by the department.

(2) The Department of Revenue shall determine the fair cash value of all mineral properties required to be reported by subsection (1) of this section in the same manner and according to the same standards as if the property was valued by the property valuation administrator in the county where the property has a taxable situs.

(3) The Department of Revenue shall, immediately after fixing the assessed value of the property, notify the owner of the amount of assessment for state and local purposes.

(4) When the valuation has been finally determined, the department shall certify the valuation to the property valuation administrator for placement upon the county assessment rolls.

(5) The property owner shall have the right of appeal of any assessment made under this section in the manner provided in KRS 133.120.

(6) All tangible property of any corporation, company, association, partnership or person assessed under this section shall be valued and assessed by the property valuation administrator of the county in which such property has a taxable situs.

Section 36. Sections 1 through 8, and Sections 12 through 15 of this Act shall become effective July 1, 1977. Sections 9 through 11, Sections 16 through 18, and Section 35 of this Act shall become effective January 1, 1977. Sections 19 through 34 of this Act shall become effective July 1, 1976.

## Announcements

The following members requested that their votes be recorded as follows: Representative McBride, "nay" on **HB 333**; Representative Hopkins, "yea" on **HB 436**; Representative Dunn, "yea" on **HB 333**; Representative Fitzgerald, "yea" on **HB 599**; Representative Wible, "yea" on **HB 560**.

## Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., Monday, March 8, 1976.

On the roll call the vote was yeas 29-B. Adams, Beshear, Bevins, Blume, Boatwright, Clarke, Craddock, Crupper, DeFalaise, Dietz, Doss, Dunn, Foster, Hancock, Hopkins, Isler, Kenton, King, Kleier, Lindsay, McBride, Nett, Pearl, B. Richardson, P. Richardson, Robinson, Sale, Vincent, Wible. Nays 5-Blythe, Gray, Holbrook, Mann, Priddy.

The motion to adjourn was adopted.

## MONDAY, MARCH 8, 1976

## FORTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Rabbi William J. Leffler, Temple Adath Isreal, Lexington.

The roll was called. All present except Representatives Bruce, Maynard, Richards, and R. Turner.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 5, 1976, be dispensed with and the same approved. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 67, HB 76, HB 186, HB 211, HB 374, HB 431, HB 438, HB 301, HB 150, SB 91, SB 17, SB 167,** and **SB 141** had been examined and found correctly enrolled. **HB 67, HB 76, HB 186, HB 211,** HB 374, **HB 431, HB 438, HB 301, HB 150, SB 91, SB 17, SB 167,** and **SB 141** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 67, HB 76, HB 186, HB 211, HB 374, HB 431, HB 438, HB 301,** and **HB 150** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Senate Message

Announcing passage of **SB 188, SB 317, SR 13, SB 275, SB 316, HB 475,** SB 298, **SB 347,** and **SB 185. HB 178** returned by request of House for concurrence in Senate Amendment.

### Introduction of Bills and Resolutions

**HR 89,** by Representative Richardson: A RESOLUTION amending permanent rules of the House of Representatives.

**HR 90,** by Representative Muncy: A RESOLUTION directing the staff of the Legislative Research Commission, in conjunction with the Interim Joint Committee on Judiciary-Statutes, to study the feasibility of mandatory police training.

**HR 91,** by Representative B. Adams: A RESOLUTION to honor Jim Richards.

**HR 92,** by Representatives Bennett, Mason, and Hughes: A RESOLUTION directing a study by the staff of the Legislative Research Commission, in conjunction with the Interim Joint Committee on Counties and Special Districts, of local government planning units and the laws relating thereto.

**HJR 93,** by Representatives B. Richardson and O'Brien: A JOINT RESOLUTION on the Model Procurement Code for state and local governmental units.

**HR 94,** by Representative Benson: A RESOLUTION directing the staff of the Legislative Research Commission to study the problem of multiplicity of governmental units in Jefferson County through the Interim Joint Committee on Cities.

**HJR 95,** by Representatives Kleier, Overstreet, A. S. Adams, and Denham: A JOINT RESOLUTION directing the Interim Joint Committee on Health and Welfare to create a subcommittee to study the effectiveness of employment, training and job placement programs for public assistance recipients and to consider the feasibility of implementing and funding the Community Work Experience Program.

**HB 829,** by Representatives Mason and Sale: AN ACT relating to insurance.

**HB 830,** by Representative Clarke: AN ACT establishing a Division of Natural Resources and Environmental Law within the Department of Law and prescribing its powers and duties.

**HB 831,** by Representative Clarke: AN ACT relating to medical charts or records.

**HB 832,** by Representative Bendl: AN ACT relating to fees in counties with more than 75,000 in population.

**HB 833,** by Representative Pearl: AN ACT relating to animals.

**HB 834,** by Representative Clarke: AN ACT relating to preservation of Perryville, Kentucky.

**HB 835,** by Representative O'Brien: AN ACT relating to retirement for voluntary firemen.

**HB 836,** by Representative O'Brien: AN ACT relating to income tax exemption.

**HB 837,** by Representatives Isler, DeFalaise, and Dietz: AN ACT relating to elections.

**HB 838,** by Representative B. Richardson: AN ACT relating to revenue and taxation.

**HB 839,** by Representative Morris: AN ACT relating to occupational safety and health.

**HB 840,** by Representative Blythe: AN ACT relating to boards of public works in cities of the third and fourth class.

**HB 841,** by Representative Blythe: AN ACT relating to criminal restitution.

**HB 842,** by Representative B. Richardson: AN ACT relating to the regulation of public utilities.

## Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 256, SB 296, HB 819, HB 820.**

Appropriations and Revenue: **SB 203, SB 254, SB 258, SB 277, SB 279, SB 336.**

Banking and Insurance: **SB 217, HR 87.**

Business Organizations and Professions: **SB 264.**

Cities: **SB 154, HB 821, HB 822.**

Counties and Special Districts: **SB 224, HB 823.**

Education: **HB 827.**

Health and Welfare: **SB 294, SB 341, HB 828.**

Public Utilities and Transportation: **SB 339, HR 86.**

State Government: **SB 168, SB 170, SB 179, SB 259, SB 262, SB 299, SB 329, SB 337, SB 342, SB 344, HB 824, HB 825, HB 826.**

## Report of Committees

The Committee on Cities reported **HB 813, HB 672, HB 687,** and **HB 753** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 813,** AN ACT relating to annexations of unincorporated areas by municipalities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO READ AS FOLLOWS:

In counties in which there are located both a city of the second class and a city of the third class, twenty-five percent (25%) of the freeholders of an unincorporated area annexed by a city of the second class pursuant to a judgment of the circuit court or court of final disposition acting on petition or appeal of such annexation, may, within six (6) months of the effective date of the final annexing ordinance by the governing body of the city of the second class, petition the county clerk to place the following question on the ballots in the area at the next regular election: "Shall the area described in Ordinance ---------- of the City of --------- remain a part of the City of ---------?" Upon the receipt of such a petition, the county clerk shall, at the next regular election cause the question to be placed upon the ballots in the area annexed. If more than seventy-five percent (75%) of the qualified voters answer the question "no" then the ordinance indicated in the question shall be void and of no effect upon the certification of the results of the election.

**HB 672,** AN ACT relating to regularly paid fire departments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

No firefighter of a regularly paid fire department shall engage in new construction, remodeling, or general maintenance work on any fire house, city building or property while on a normal tour of duty. The pay, rank, or benefits of any member or officer shall not be reduced as a result of a refusal to perform such construction, or maintenance work. Nothing herein shall be so construed as to relieve firemen from performing general housekeeping duties at their assigned fire house, if such duties do not interfere with firefighting.

**HB 687,** AN ACT relating to pension funds for city police and firemen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.859 is amended to read as follows:

The rate of retirement annuity shall be two and one-half percent (2 1/2%) of average salary, as defined in KRS 95.851(m), for each year of total service up to and including thirty (30) years, subject to a maximum of seventy-five percent (75%) of average salary. Fractional periods of service shall be considered in the calculation of such annuities according to the aforesaid rate. Provided, however, that *any member retiring prior to January 1, 1974 shall receive an increase of ten dollars ($10.00) per month for each full year of retirement with a maximum increase of one hundred seventy dollars ($170) per month. No surviving widow of a retiree shall receive a pension of less than one hundred fifty dollars ($150) a month. When* [no retiree, or his surviving widow, whether he retired before or after June 16, 1972, under this Section shall receive a pension of less than one hundred dollars ($100.00) a month and when] social security benefits are increased the minimum shall be increased by a like amount *for the retiree or his widow*, provided that the increase shall not exceed five percent (5%) *from each source*. Within six (6) months after the performance of the actuarial study required by KRS 95.872(6), the rate of retirement annuity of each annuitant who becomes an annuitant after the effective date hereof shall be increased by an amount determined by the said study to reflect so much of the increase in the cost of living of such annuitant from the beginning of his annuity as may be supported on an actuarially sound basis by the fund, so long as the same is published, such studies shall rely on the "All Items Index" of the United States Department of Labor's Consumer Price Indexes, but no increase in the cost of living shall exceed two percent (2%) over the base index year in any year of the fund, provided, however, such increases shall be payable only after the member has attained the age of sixty (60) years or has been retired for a period of three (3) full years, whichever is later, and all such increases shall not be compounded.

**HB 753,** AN ACT relating to cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 85.280 is amended to read as follows:

In addition to the officers provided for by statute, the common council may provide by ordinance for the appointment or election of such others as are necessary to carry into effect the provisions of the laws relating to cities of the third class, and may prescribe their duties and powers, not to conflict with the duties and powers of any officer provided for by statute. *Whenever an office is made elective, the city clerk shall, within ten days notify the county clerk in writing for purposes of placing the office on ballots for future elections.* No person shall be appointed or elected an officer of the city under this section unless he is at least twenty-one (21) years of age, and has been an actual bona fide resident of the city for two (2) years next preceding his appointment or election.

Section 2. KRS 86.060 is amended to read as follows:

(1) The mayor, or in his absence the mayor pro tem, shall be chairman of the city council. The council may, by ordinance, confer the function of clerk of the council upon the treasurer to be performed in addition to the duties prescribed by KRS 92.060. If said function is not conferred upon the treasurer, a clerk of the council shall be elected by the council or by the voters if so prescribed by an ordinance enacted not less than sixty (60) days before any general election. *Whenever the office is made elective, the city clerk or treasurer shall, within ten days, notify the county clerk in writing for purposes of placing the office on ballots for future elections.*

(2) The council shall judge of the eligibility and election returns of its members, adopt rules for its proceedings and government, and enforce the rules by appropriate fines not exceeding ten dollars ($10.00) for each offense. By a vote of three-fourths (3/4) of its members, it may, for any good cause, expel a member.

Section 3. KRS 95.790 is amended to read as follows:

(1) The board of trustees in cities of the sixth class may appoint a city marshal, or, by ordinance enacted not less than sixty (60) days previous to any November election, provide for his election by the voters of the city. *Whenever the office is made elective, the city clerk shall, within ten days, notify the county clerk in writing for purposes of placing the office on ballots for future elections.*

(2) The city marshal shall hold office, when appointed, for a term of not longer than two (2) years, and until his successor is appointed and qualified. He shall be subject to removal at any time for good cause by the board of trustees.

(3) The marshal, before entering upon the duties of his office, shall execute bond to the city in the sum of one thousand dollars ($1,000), with approved surety, conditioned for the faithful performance of his duties. For any unlawful arrest, or unnecessary or cruel beating or assault in making an arrest, the marshal and his sureties shall be liable on his bond.

Section 4. KRS 92.130 is amended to read as follows:

(1) An assessor for each city of the fourth class shall be appointed by the city council or elected by the voters of the city, as may be prescribed by ordinance passed at least sixty (60) days previous to any regular election. *Whenever the office is made elective, the city clerk shall, within ten days, notify the county clerk in writing for purposes of placing the office on ballots for future elections.* No person shall be eligible to the office of assessor unless he is at least twenty-one (21) years of age and a citizen of Kentucky, and has been a resident of the city for at least six (6) months before his election or appointment. The assessor shall take an oath faithfully to perform the duties of his office without favor to rich or poor, and shall execute a bond with one or more sureties, to be approved by the city council. The city council shall, by ordinance, fix the compensation of the assessor.

(2) The assessor, with the consent of the city council, may appoint one or more deputies, who shall possess the same qualifications, take the same oath, have the same powers and perform the same duties as the assessor, and shall give a similar bond. Their compensation shall be fixed by the city council.

Section 5. KRS 86.030 is amended to read as follows:

The legislative power in cities of the fourth class not having the commission or city manager form of government shall be vested in a city council having not less than six (6) nor more than twelve (12) councilmen, the number to be fixed by ordinance. *Whenever the size of the city council is changed, the city clerk shall, within ten days, notify the county clerk in writing for purposes of placing the proper number of offices on ballots for future elections.*

The Committee on Rules reported **HB 82** with Committee Amendments attached thereto, **HB 148**, **HB 207** with Committee Amendment attached thereto, **HB 247** with Committee Amendment attached thereto, **HB 253** with Committee Amendment attached thereto, **HB 417**, **HB 465**, **HB 583**, **HB 705**, **HB 706**, **HB 713**, **HB 731** with Committee Amendment attached thereto, **SB 58** with Committee Amendment attached thereto, **SB 75** with Committee Amendment attached thereto, **SB 145**, **SB 159**, **SB 160**, **SB 162** with Committee Amendment attached thereto, and **SR 23** have been posted for passage in Orders of the Day, March 9, 1976.

The Committee on Rules reported **HB 64**, with Committee Substitute attached thereto, has been recommitted to the Committee on State Government.

The Committee on Rules reported **HB 547** has been recommitted to the Committee on State Government.

### Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for consideration:

Business Organizations and Professions: **HB 634, SB 27, HB 737, HB 756, HB 763.**

Public Utilities: **HJR 50.**

Appropriations and Revenue: **SB 336, SB 203, SB 254, SB 258, SB 277, SB 279.**

Cities: **SB 242, HB 802, HB 805, HB 807, HB 808, HB 809.**

Health and Welfare: **HB 817.**

Judiciary-Statutes: **HB 796.**

State Government: **HB 371, HB 799, HB 810, HB 824, HB 825, HB 826, SB 259, SB 329.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Cities: **HB 41, HB 44, HB 45, HB 48, HB 51, HB 52, HB 63.**

Judiciary-Statutes: **HB 258.**

### Calendar

**HB 590**, **HB 640**, **HB 666**, **HJR 60**, **HJR 61**, **HJR 71**, **SB 50**, **SB 84**, **SB 139**, **SJR 11**, **SCR 14**, **HB 170**, **HB 324**, **HB 366** with Committee Amendment attached thereto, **HB 394** with Committee Amendment attached thereto, **HB 504** with Committee Substitute and Committee Amendment attached thereto, **HB 591** with Committee Amendment attached thereto, **HB 637**, **HB 743**, **HB 788**, **SB 116**, **SB 144**, **HB 589**, **HB 691**, **HB 692**, **HB 715**, **HB 717**, and **HB 734** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

### Motions, Petitions and Communications

The following Floor Amendments were filed: Representative J. Allen, No. 1 to **SB 145**; Representative Hughes, No. 1 to **HB 194**; Representative Siemens, No. 3 to **HB 539**; Representative Ackerson, No. 1 to **SB 160**; Representative DeFalaise, No. 1 to **HB 758**; Representative Denham, No. 2 to **HB 437**; Representative Schmidt, No. 2 to **HB 315**; Representative B. Richardson, No. 1 to **HB 824**; Representative B. Richardson, No. 1 to Committee Substitute for **HB 651**.

Representative B. Adams moved the adoption of the following **HR 91**:

**HR 91,** A RESOLUTION to honor Jim Richards.

WHEREAS, Jim Richards has capably served as head basketball coach of Western Kentucky University since 1971; and

WHEREAS, Jim Richards coached Western Kentucky University's 1975-76 basketball team to first place in the Ohio Valley Conference; and

WHEREAS, Coach Richards has exemplified the traits of leadership and sportsmanship in college athletics and other activities; and

WHEREAS, Jim Richards has been selected "Coach of the Year" in the Ohio Valley Conference for 1975-76;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Jim Richards be honored by this body for his selection as "Coach of the Year."

Section 2. That a copy of this resolution be sent to Coach Richards.

Agreed.

Representative Stephens moved that the rules be suspended for the purpose of waiving the time element for posting **HB 237, HB 818, SB 276,** and **SB 89.**

On the roll call the vote was yeas 56-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Clapp, Clarke, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Hughes, Isler, Jones, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, Morgan, Muncy, Pearl, Priddy, B. Richardson, P. Richardson, Romines, Sale, Stephens, Tobin, Thomas, Vincent, White, Wooden, Yates. Nays 0.

The motion that the rules be suspended for the purpose of waiving the time element for posting **HB 237, HB 818, SB 276,** and **SB 89** was adopted.

Representative Benson moved that the rules be suspended for the purpose of waiving the time element for posting **HB 802, HB 805, HB 807, HB 808,** and **HB 809.**

On the roll call was yeas 56-B. Adams, A. S. Adams, J. Allen, Arnold, Bennett, Benson, Bevins, Blandford, Blume, Boatwright, Brinkley, Clapp, Clarke, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Holbrook, Hughes, Imes, Isler, Jones, King, Kleier, LeMaster, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Muncy, Priddy, B. Richardson, P. Richardson, Romines, Sale, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden. Nays 0.

The motion that the rules be suspended for the purpose of waiving the time element for posting **HB 802, HB 805, HB 807, HB 808,** and **HB 809** was adopted.

Representative Dunn moved that the rules be suspended to place **HB 161, HB 276, HB 283,** and **HB 414** in Orders of the Day. Agreed.

Representative Hardwick moved that **HB 803** be withdrawn. Agreed.

Representative Bennett moved the adoption of the following **HR 92:**

**HR 92,** A RESOLUTION directing a study by the staff of the Legislative Research Commission, in conjunction with the Interim Joint Committee on Counties and Special Districts, of local government planning units and the laws relating thereto.

WHEREAS, local government planning and zoning activities greatly affect the lives of the citizens of the Commonwealth; and

WHEREAS, considerable interest is shown in the activities of local government planning units of the Commonwealth by the introduction at each session of the General Assembly of numerous bills relating to planning units; and

WHEREAS, the introduction of numerous bills relating to planning units makes it difficult to deal with the subject of planning and zoning in a comprehensive and coordinated manner; and

WHEREAS, the Kentucky Revised Statutes relating to planning units have not been comprehensively reviewed since 1966; and

WHEREAS, in the interests of good planning which is responsive to the needs and desires of the citizens of the Commonwealth, it is appropriate that a comprehensive review of the Kentucky Revised Statutes relating to local government planning units be undertaken;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the staff of the Legislative Research Commission, in conjunction with the Interim Joint Committee on Counties and Special Districts, is directed to conduct, during the 1976-78 interim, a study of the local government planning units throughout the Commonwealth and the laws relating thereto, and to recommend legislation, as necessary, to improve the functioning of local government planning units in the interests of good planning which is responsive to the needs and desires of the citizens of the Commonwealth. The Interim Joint Committee on Counties and Special Districts shall report its findings to the Legislative Research Commission and the regular session of the 1978 General Assembly by October 1, 1977.

Section 2. Staff services to be utilized in completing this study are estimated to cost $6,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the Commission.

Agreed.

Representative Imes requested that he be recorded as voting "yea" on **HB 333.**

Representative B. Richardson moved the adoption of the following **HR 89:**

**HR 89,** A RESOLUTION amending permanent rules of the House of Representatives.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That Rule 4. of the House of Representatives as adopted in **HR 17** of the 1976 Regular Session of the General Assembly be amended as follows:

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and approval of the Journal.
4. Introduction and Reading of New Bills and Resolutions Introduced by Title and Sponsor.
5. Report of Reference of Bills to Committees.
6. Report of Committees.
7. First Reading of Bills.
8. Second reading of Bills.
9. *Orders of the Day.* [Motions, Petitions and Communications.]
10. *Motions, Petitions and Communications.* [Orders of the Day.]
11. Announcements.
12. Adjournment.

No more than thirty minutes shall be allotted to Motions, Petitions and Communciations.

Agreed.

Representative Muncy requested that he be recorded as "not voting" on Stephens' motion to suspend the rules. Agreed.

Representative Morgan moved that the rules be suspended for the purpose of waiving the time element for posting **HB 547** and **HB 799.**

On the roll call the vote was yeas 61-B. Adams, J. Allen, Arnold, Bendl, Bennett, Bevins, Blandford, Blume, Boatwright, Brinkley, Clapp, Clarke, Craddock, Cyrus, Dawahare, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Hughes, Imes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Morgan, O'Brien, Pearl, B. Richardson, P. Richardson, Romines, Sale, Siemens, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

The motion that the rules be suspended for the purpose of waiving the time element for posting **HB 547** and **HB 799** was adopted.

Representative Vincent requested that his vote be changed from "nay" to "yea" on **HB 447.**

Representative Blair moved the adoption of the following Legislative Citation No. 46:

The House of Representatives of the Commonwealth of Kentucky hereby honors the students of Paintsville High School for having been awarded the Freedom Foundation Valley Forge Certificate for its bicentennial pageant presented last spring. This body commends the participating students under the direction of Miss Mary McClafferty for their contributions in preparing the bicentennial scrapbook and the pageant presentation and thereby attaining this honor. This body further recognizes and applauds their selection by the national Freedom Foundation for their outstanding accomplishment in helping to achieve a better understanding of the American way of life. (Sponsored by Representative Blair)

Representative Romines requested that he be recorded as voting "yea" on **HB 93, HB 137, HB 172, HB 333, HB 560, HB 562, HB 573, HB 599, HB 631, HB 694, HB 732, HB 66,** and **HB 453.**

## Orders of the Day

Representative B. Richardson moved that **HB 646** be recommitted to the Committee on Judiciary-Statutes. Agreed.

The Speaker vacated the Chair.

Speaker Pro Tempore Clapp, presiding.

Representative B. Richardson moved that **SB 113,** as amended, be taken from Orders of the Day and placed upon its passage. Agreed.

Representative B. Adams moved the adoption of the following Floor Amendment No. 1 to **SB 113:**

Amend printed copy of Senate Bill 113, on page 2, line 16, delete "including, where appropriate, dates, times, names, places and circumstances."

On the roll call the vote was yeas 39-Ackerson, B. Adams, W. Allen, Arnold, Bevins, Blair, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, DeMarcus, Denham, Foster, Givhan, Hardwick, Head, Holbrook, Hughes, Imes, Jones, King, LeMaster, Lindsay, May, McBride, Morgan, Morris, Nett, Priddy, Robinson, Sale, Tobin, Vincent, Wells, Wright. Nays 30-J. Allen, Bendl, Bennett, Beshear, Blandford, Blume, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gray, Isler, Kidd, Little, Mann, Mason, Muncy, Pearl, Romines, Siler, Stewart, Thomas, J. Turner, White, Wible, Yates.

The Floor Amendment No. 1 to **SB 113** was adopted.

Representative Denham moved that **SB 113,** as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Thomas, J. Turner, Vincent, White, Wible, Wright, Yates. Nays 5-Burnette, Carpenter, Hancock, Tobin, Wells.

**SB 113,** as amended, was passed and the title agreed to.

Representative Denham moved that the vote by which **SB 113,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 178,** with Senate Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 100,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 100.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 100:**

Amend printed copy of Senate Bill 100 on page 2, line 6, after the word "*agency*" by adding the words " *other than the department of transportation*".

Agreed.

Representative B. Richardson moved that **SB 100,** as amended, be passed.

On the roll call the vote was yeas 88-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-DeFalaise.

**SB 100,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 100,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 30,** with Committee Substitute and Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **HB 30.** Agreed.

Representative Siemens moved the adoption of the Committee Amendment No. 1 to the Committee Substitute for **HB 30.** Defeated.

Representative Hancock moved the adoption of the Committee Amendment No. 2 to the Committee Substitute for **HB 30.** Agreed.

Representative Hancock moved that **HB 30,** by way of Committee Substitute as amended, be passed.

Representative Blume moved that the vote by which Committee Amendment No. 1 to the Committee Substitute for **HB 30** was rejected be reconsidered.

On the roll call the vote was yeas 50-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Brown, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Hancock, Hughes, Imes, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBride, McGill, Morgan, Nett, Pearl, Priddy, B. Richardson, Romines, Sale, Siemens, Stephens, Stewart, Tobin, Vincent, Wible, Wooden. Nays 14-W. Allen, Blythe, DeFalaise, Dietz, Gay, Holbrook, Hopkins, Isler, May, McBee, P. Richardson, Schmidt, J. Turner, Wright.

The motion that the vote by which Committee Amendment No. 1 to the Committee Substitute for **HB 30** was rejected be reconsidered was adopted.

Representative Blume moved the adoption of the Committee Amendment No. 1 to the Committee Substitute for **HB 30.**

On the roll call the vote was yeas 49-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Brown, Clapp, Clarke, Craddock, Cyrus, Deskins, Donnermeyer, Doss, Dunn, Foster, Givhan, Hughes, Imes, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBride, McGill, Morgan, Nett, Pearl, Priddy, B. Richardson, Romines, Sale, Siemens, Stephens, Stewart, Tobin, J. Turner, Vincent, White, Wible, Wooden. Nays 13-Blandford, Blythe, Burnette, Crupper, DeFalaise, Dietz, Holbrook, Hopkins, Isler, McBee, P. Richardson, Schmidt, Wright.

The Committee Amendment No. 1 to the Committee Substitute for **HB 30** was adopted.

Representative Bennett moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 30:**

Amend printed copy of Committee Substitute for House Bill 30 on page 8, line 4, by deleting the word "fifteen" and inserting therefor: "seventeen"

and on page 9, line 7, by deleting the words "one member" and by inserting therefor: "three members"

and on page 9, line 8, by deleting the word "three" and by inserting therefor: "seven"

and on page 9, line 23, by deleting the word "four" and by inserting therefor: "five"

and on page 9, by deleting all of line 24, and by inserting therefor: "five shall be appointed for four year terms. No Board"

On the roll call the vote was yeas 31-Bennett, Benson, Beshear, Blume, Clapp, Cooper, Cyrus, Deskins, Donnermeyer, Dunn, Foster, Givhan, Gray, Holbrook, Isler, Kenton, King, LeMaster, Lindsay, Little, Mann, McBride, McGill, Morgan, Morris, Priddy, Romines, Siemens, Wooden, Wright, Yates. Nays 41-Ackerson, B. Adams, W. Allen, Blandford, Blythe, Burnette, Carpenter, Clarke, Craddock, Crupper, DeFalaise, DeMarcus, Denham, Dietz, Freeman, Gay, Guenthner, Hardwick, Head, Holloway, Hopkins, Hughes, Imes, Jones, Mason, May, McBee, O'Brien, Overstreet, Pearl, Rattliff, B. Richardson, P. Richardson, Sale, Schmidt, Stephens, Tobin, J. Turner, Vincent, White, Wible.

The Floor Amendment No. 1 to the Committee Substitute for **HB 30** was rejected.

Representative Hancock moved that **HB 30,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 47-Ackerson, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Carpenter, Clapp, Clarke, Craddock, DeFalaise, DeMarcus, Doss, Dunn, Fitzgerald, Givhan, Gray, Hancock, Hughes, Imes, Jones, Kenton, Kidd, Kleier, LeMaster, Mason, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, B. Richardson, Sale, Schmidt, Siemens, Stephens, Stewart, J. Turner, Wible, Wooden, Yates. Nays 38-B. Adams, W. Allen, Arnold, Blair, Burnette, Cooper, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Floyd, Foster, Freeman, Gay, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hurst, Isler, King, Lindsay, May, McBee, McBride, Morris, Overstreet, Rattliff, P. Richardson, Robinson, Siler, Tobin, Vincent, White, Wright.

**HB 30,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 30,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 118,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 118.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 2 to **SB 118.** Agreed.

Representative Blume moved the adoption of the following Floor Amendment No. 1 to the Committee Amendment No. 2 to **SB 118:**

Amend printed copy of Committee Amendment No. 2 to Senate Bill 118 on page 1, line 19, by deleting the words "*not more than*" and by deleting the brackets around the words "at least"

and on page 2, line 3, by inserting after the word "council;" the following: "*notwithstanding the authority of any department or administrative agency of state government to promulgate administrative regulations, no such department or administrative agency may, by administrative action, increase the minimum number of hours for a basic training course specified in this subsection;*"

Floor Amendment No. 1 to **SB 118** was adopted.

Representative B. Richardson moved that **SB 118,** as amended, be passed.

On the roll call the vote was yeas 76-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Boatwright, Brown, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden, Wright. Nays 8-Beshear, Burnette, Carpenter, Crupper, Freeman, Hurst, Lindsay, Pearl.

**SB 118,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 118,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 20,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Committee Substitute for **HB 20.** Agreed.

Representative Donnermeyer moved that **HB 20,** by way of Committee Substitute, be passed.

Representative Boatwright moved the adoption of the following Floor Amendment No. 4 to the Committee Substitute for **HB 20:**

Amend printed copy of Committee Substitute for House Bill 20 on page 4, line 21, by deleting the words "are now or";

and on page 24, after line 25, by adding the following:

"Section 25. A new section of KRS Chapter 324 is created to read as follows:

Any person licensed under the real estate laws of this state prior to the effective date of this Act shall not be subject to any changes in KRS Chapter 324 effected by this Act."

Representative Stephens moved the adoption of the Previous Question.

Representative Fitzgerald moved that Floor Amendment No. 4 to the Committee Substitute for **HB 20** be laid on the table.

On the roll call the vote was yeas 38-A. S. Adams, J. Allen, W. Allen, Blair, Blandford, Boatwright, Brinkley, Burnette, Carpenter, Cooper, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Doss, Fitzgerald, Foster, Hancock, Hardwick, Hughes, Hurst, Kidd, Little, McBride, McGill, Muncy, Nett, Pearl, Rattliff, P. Richardson, Robinson, Siler, Tobin, White, Wright, Yates. Nays 45-B. Adams, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Clapp, Clarke, Craddock, DeFalaise, Donnermeyer, Dunn, Freeman, Gay, Givhan, Gray, Guenthner, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, Morgan, Morris, O'Brien, Romines, Schmidt, Siemens, Stephens, Stewart, Thomas, J. Turner, Wible, Wooden.

The motion that Floor Amendment No. 4 to the Committee Substitute for **HB 20** be laid on the table was rejected.

On the roll call the vote was yeas 42-Ackerson, B. Adams, J. Allen, Arnold, Bevins, Blandford, Brinkley, Burnette, Carpenter, Clapp, Craddock, Cyrus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Hancock, Holbrook, Jones, Kidd, King, Kleier, LeMaster, Little, Mason, May, McBee, McGill, Morgan, Morris, Priddy, Stephens, Stewart, Thomas, J. Turner, Vincent, Wible, Wright. Nays 24-A. S. Adams, Bendl, Benson, Blythe, Boatwright, Cooper, Crupper, DeMarcus, Denham, Doss, Hardwick, Hughes, Lindsay, McBride, Muncy, Pearl Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Siler, Tobin, White.

The motion that the Previous Question be adopted was rejected.

On the roll call the vote was yeas 44-W. Allen, Bendl, Benson, Boatwright, Brinkley, Burnette, Carpenter, Cooper, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Doss, Foster, Gray, Hancock, Hardwick, Head, Hughes, Hurst, Isler, Kidd, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morris, Muncy, Rattliff, B. Richardson, P. Richardson, Robinson, Siler, Stewart, Tobin, J. Turner, Vincent, White, Wright. Nays 42-Ackerson, B. Adams, A. S. Adams, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Clapp, Clarke, Craddock, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Floyd, Gay, Givhan, Guenthner, Holbrook, Holloway, Hopkins, Imes, Jones, King, LeMaster, Mann, Morgan, Nett, Overstreet, Pearl, Priddy, Romines, Schmidt, Siemens, Stephens, Thomas, Wible, Wooden, Yates.

Floor Amendment No. 4 to the Committee Substitute for **HB 20** was adopted.

Representative Donnermeyer moved that consideration of **HB 20,** by way of Committee Substitute as amended, be deferred and that it retain its position in Orders of the Day.

Representative DeMarcus moved that **HB 20,** by way of Committee Substitute as amended, be laid on the table.

The motion that **HB 20,** by way of Committee Substitute as amended, be laid on the table was rejected by a vote of 17 yeas and 55 nays.

Representative McBride moved that the debate both pro and con be limited to three minutes.

On the roll call the vote was yeas 57-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Carpenter, Clapp, Craddock, Cyrus, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Hopkins, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, May, McBee, McBride, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, B. Richardson, P. Richardson, Romines, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, White, Wible, Wooden, Yates. Nays 5-Blythe, DeMarcus, Holloway, Lindsay, Mason.

The motion that debate both pro and con be limited to three minutes was adopted.

On the roll call the vote was yeas 52-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Clapp, Clarke, Craddock, Cyrus, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Freeman, Givhan, Gray, Hancock, Holbrook, Hopkins, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, Morgan, Nett, O'Brien, Pearl, Priddy, Romines, Schmidt, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, White, Wooden, Yates. Nays 14-W. Allen, Blandford, Boatwright, Cooper, DeMarcus, Denham, Fitzgerald, Foster, Gay, Hardwick, Holloway, Overstreet, Robinson, Wible.

The motion that consideration of **HB 20,** by way of Committee Substitute as amended, be deferred and that it retain its position in Orders of the Day was adopted.

**HB 674** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 93-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Cyrus.

**HB 674** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 674** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 675** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 675** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 675** was passed be reconsidered and said motion be postponed indefinitely. Agreed

**HB 676** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to **HB 676**.

Amend printed copy of House Bill 676 on page 4, line 23, after the word "projects" and "but in no event shall said bonds exceed an amount that can reasonably be amortized by ten (10) percent of receipts from the severence tax".

On the roll call the vote was yeas 15-B. Adams, Beshear, Blythe, Clarke, Craddock, DeMarcus, Floyd, Hancock, Hopkins, Lindsay, Nett, Pearl, Rattliff, Schmidt, Tobin. Nays 62-Ackerson, A. S. Adams, J. Allen, W. Allen, Bendl, Bennett, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Clapp, Cooper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hughes, Imes, Isler, Kenton, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, Morgan, Muncy, O'Brien, Priddy, B. Richardson, P. Richardson, Romines, Siemens, Siler, Stephens, Stewart, J. Turner, Vincent, White, Wible, Wright, Yates.

The Floor Amendment No. 1 to **HB 676** was rejected.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Clarke, Hancock, Lindsay, Nett, Pearl, Tobin.

**HB 676** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 676** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 677** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 3-Clarke, Lindsay, Nett.

**HB 677** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 677** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 678** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 678** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 678** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 178,** with Senate Amendment attached thereto, be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Wooden moved that the House concur in the following Senate Amendment to **HB 178:**

Amend printed copy of House Bill 178 on page 1, line 6, by adding "*tobacco products*" following the word "smokes"

on page 1, line 9, by adding "*in secondary schools*" following the word "areas" and by adding "*and supervised*" following the word "designated"

on page 1, line 12f, after the word "dollars." at the end of line 11, add a new sentence reading: "The exception granted for smoking areas designated by the superintendent or principal shall extend only to schools located in counties containing a first class city, a second class city, or urban county government."

On the roll call the vote was yeas 49-Ackerson, A. S. Adams, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Clarke, Cyrus, DeFalaise, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Gay, Gray, Guenthner, Hopkins, Isler, Kenton, Kidd, Kleier, LeMaster, Mann, Mason, McBride, McGill, Morgan, Morris, O'Brien, Pearl, Priddy, B. Richardson, Romines, Schmidt, Siemens, Stewart, Tobin, J. Turner, Wible Wooden, Yates. Nays 37-B. Adams, J. Allen, W. Allen, Burnette, Clapp, Cooper, Craddock, Crupper, DeMarcus, Denham, Deskins, Floyd, Foster, Givhan, Hancock, Hardwick, Holbrook, Holloway, Hughes, Imes, Jones, King, Lindsay, Little, May, McBee, Muncy, Rattliff, P. Richardson, Robinson, Sale, Siler, Stephens, Thomas, Vincent, White, Wright.

The motion that the House concur in the Senate Amendment to **HB 178** was adopted.

Representative Wooden moved that **HB 178,** as amended, be passed.

On the roll call the vote was yeas 42-Ackerson, A. S. Adams, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Boatwright, Brinkley, Carpenter, Clarke, Cyrus, DeFalaise, Deskins, Dunn, Gray, Guenthner, Hopkins, Isler, Kenton, Kidd, Kleier, LeMaster, Mann, Mason, McBride, McGill, Morris, O'Brien, Pearl, Priddy, B. Richardson, Romines, Schmidt, Siemens, Stewart, Tobin, Wible, Wooden, Yates. Nays 39-B. Adams, J. Allen, W. Allen, Blair, Burnette, Clapp, Cooper, Craddock, Crupper, DeMarcus, Denham, Doss, Fitzgerald, Foster, Freeman, Gay, Givhan, Hancock, Hardwick, Holbrook, Holloway, Hughes, Imes, Jones, King, Lindsay, Little, May, McBee, Nett, Rattliff, P. Richardson, Robinson, Sale, Siler, Stephens, Vincent, White, Wright.

**HB 178,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 178,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

## Announcements

Representative Givhan moved that the rules be suspended for the purpose of waiving the time element for posting **SB 25, SB 23,** and **SB 70.**

On the roll call the vote was yeas 55-B. Adams, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brown, Carpenter, Clapp, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Hancock, Head, Hughes, Isler, King, Kleier, LeMaster, Lindsay, Mann, Mason, McBee, McGill, Morgan, Pearl, Priddy, B. Richardson, Romines, Sale, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden, Wright, Yates. Nays-0.

The motion that the rules be suspended for the purpose of waiving the time element for posting **SB 25, SB 23,** and **SB 70** was adopted.

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns it do so by voice vote and until 2:00 p.m., Tuesday, March 9, 1976. Agreed.

The following Floor Amendments were filed: Representative Mason, No. 4 to **HB 548;** Representative LeMaster, No. 1 to **HB 587;** Representative Lindsay, Floor Title Amendment to **HB 734,** No. 1 to **HB 734;** Representative Romines, No. 3 to **HB 437.**

Representative Romines requested that he be recorded as voting "yea" on **HB 30.**

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Kenton, **HB 838;** Representatives Brinkley and B. Richardson, **HB 587;** Representative White, **HB 732;** Representative Hancock, **HB 422;** Representative O'Brien, **HB 175.**

Representative King moved that the House go on record as censuring the City Commission of Covington for slanderous remarks made about Representative Isler.

On the roll call the vote was yeas 69-Ackerson, B. Adams, W. Allen, Bendl, Bennett, Benson, Bevins, Blandford, Boatwright, Brinkley, Clapp, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Hollowy, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Stephens, Tobin, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

The motion that the House go on record as censuring the City Commission of Covington for slanderous remarks made about Representative Isler was adopted.

Representative McBee moved that the rules be suspended for the purpose of waiving the time element for posting **SB 242** and **SB 244.** Agreed.

Representative Benson moved that the rules be suspended for the purpose of waiving the time element for posting **HB 797** and **HB 51.** Agreed.

Representative Beshear requested that he be recorded as voting "yea" on **HB 675.**

Representative Kleier moved that the rules be suspended for Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 843,** by Representatives Wright and Kleier: AN ACT relating to the designation of race, color or religion on printed materials.

**HB 844,** by Representative Deskins: AN ACT relating to workmen's compensation.

**HB 845,** by Representatives Mason and Jones: AN ACT relating to public defender.

**HB 846,** by Representatives Kleier, Hardwick and Schmidt: AN ACT relating to the licensure of attorneys.

**HB 847,** by Representatives Morris and Bruce: AN ACT relating to public assistance and food stamps.

**HR 96,** by Representative Kleier: A RESOLUTION creating a Kentucky Task Force to study the need for and feasibility of establishing and funding a short term emergency assistance program.

**HR 97,** by Representative B. Adams: A RESOLUTION adjourning in memory of W. Arnold James.

**HR 98,** by Representative Wible: A RESOLUTION directing the Legislative Research Commission, through the members and staff of the Interim Joint Committee on Judiciary-Statutes, to study certain issues related to execution.

**HR 99,** by Representatives B. Richardson and Dawahare: A RESOLUTION requesting the National Conference of State Legislatures to address itself to the problem of coal legislation.

## Announcements (continued)

Representative Blythe requested that he be recorded as voting "yea" on the roll call in support of Representative Isler. Agreed.

## Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., Tuesday, March 9, 1976. Agreed.

## TUESDAY, MARCH 9, 1976

## FIFTIETH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Robert E. Anderson, St. John's Episcopal Church, Bedford, Indiana.

The roll was called. All present except Representatives Bruce and Floyd.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 8, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 848,** by Representative Fitzgerald: AN ACT relating to employment.

**HB 849,** by Representative Freeman: AN ACT relating to physicians.

**HB 850,** by Representative B. Richardson: AN ACT relating to business development corporations.

**HB 851,** by Representative Hurst: AN ACT relating to state representative districts.

**HB 852,** by Representative Deskins: AN ACT relating to motor vehicles.

**HB 853,** by Representative Bendl: AN ACT relating to notices.

**HB 854,** by Representative Maynard: AN ACT relating to the licensing of automotive repair businesses.

**HB 855,** by Representative Wooden: AN ACT relating to licensing of trailers.

**HJR 100,** by Representatives Kenton and B. Richardson: A JOINT RESOLUTION directing a study of radioactive waste disposal.

**HR 101,** by Representatives Imes and Gay: A RESOLUTION memorializing the Congress to investigate the policies and operations of the Tennessee Valley Authority.

**HJR 102,** by Representative Denham: A JOINT RESOLUTION authorizing and directing the study of the environmental effects of nuclear waste.

**HR 103,** by Representatives Gay and Imes: A RESOLUTION urging the U.S. Congress to investigate the policies and practices of the Tennessee Valley Authority.

### Senate Message

Announcing passage of **SB 352, SB 212, SB 288, SB 267, SB 56, SB 346,** SB 364, **SR 38, HB 77, SB 362, SB 246, SB 307, SB 297, SB 283, SB 306, SB 149, SB 269,** and **SB 266.**

## Recess

Representative B. Richardson moved that the House recess for a Committee on Committee meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 317, SB 316, SB 185, HR 102.**

Appropriations and Revenue: **HB 836, HB 838, HR 100.**

Business Organizations and Professions: **SB 188, HB 854, HB 850, HB 848.**

Cities: **HB 833, HR 94, SB 275.**

Counties and Special Districts: **HB 832.**

Elections and Constitutional Amendments: **HB 837.**

Health and Welfare: **HB 839, HB 847, HR 96, HR 95, SB 347, HB 849.**

Highways and Traffic Safety: **SB 298.**

Judiciary-Courts: **HB 846.**

Judiciary-Statutes: **HB 829, HB 831, HB 841, HR 90.**

Labor and Industry: **HB 844.**

Public Utilities and Transporation: **HB 842, HB 855, HB 852.**

State Government: **HB 830, HB 834, HB 835, HB 843, HB 845, HJR 93, SR 13, HR 101, HR 103, HB 853, HB 851.**

## Report of Committees

The Committee on Agriculture and Natural Resources reported **HB 175** with Committee Amendment attached thereto, **HB 459** with Committee Amendment attached thereto, **HB 602** with Committee Amendment attached thereto, and **SB 211** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 175,** AN ACT relating to fishing and hunting licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 150 is created to read as follows:

Any person who submits to the department a written statement from a licensed physician verifying that he is at least eighty percent (80%) permanently disabled shall be granted upon his request a lifetime statewide resident sport hunting license or a lifetime statewide resident sport fishing license upon payment to the department of a fifteen dollar ($15) fee for each license.

The Committee Amendment to **HB 175** is as follows:

Amend printed copy of House Bill 175, on page 1, following line 9, by adding the following:

"Section 2. KRS 150.200 is amended to read as follows:

The commissioner shall cause to be delivered to each county clerk, not less than ten (10) days before January 1 of each year, unless otherwise provided, as many licenses, tags and forms as may be required, and charge each clerk for the number issued to him. On or before January 25 of each year each county clerk shall return to the department all unused licenses, stubs and unused tags which he has received for the preceding year. The licenses and tags shall specify the *twelve (12) month period* [calendar year] for which they are issued and all licenses, tags and permits authorized to be issued by this chapter, whether by the department or by a county clerk, shall expire *one year from date of issue* [on December 31 of that calendar year], except fur buyers license shall expire July 1 each year.

Section 3. The effective date of this Act shall be January 1, 1977."

**HB 459,** AN ACT relating to the bonding and civil penalties associated with strip mining operations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 350.060 is amended to read as follows:
(1) No operator shall engage in strip mining without having first obtained from the department a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one (1) year from the date of its issuance;
(2) An operator desiring a permit shall file an application which shall state:
(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;
(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred (500) feet of any part of the affected area;
(c) The owner or owners of the coal, to be mined;
(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;
(e) The permanent and temporary post-office addresses of the applicant;
(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;
(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent (10%) or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;
(3) The application for a permit shall be accompanied by two (2) copies of a United States geological survey topographic map on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;
(4) The application for a permit shall be accompanied by two (2) copies of an enlarged United States geological survey topographic map meeting the requirements of the subsections below. The map shall:
(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS chapter 322. The certification shall be in the form as provided in subsection (5) below;
(b) Identify the area to correspond with the application;
(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred (500) feet of any part of the affected area;
(d) Be of a scale of not less than four hundred (400) feet to the inch and not to exceed six hundred and sixty (660) feet to the inch;
(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred (500) feet of such area;
(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The department may reject any map as incomplete if its accuracy is not so attested;

(6) The application for a permit shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the department of transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges.

(7) In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto;

(8) Each application shall also be accompanied by a statement of consent to have strip mining conducted upon the area of land described in the application for a permit. The statement of consent shall be signed by each holder of a freehold interest in such land. Each signature shall be notarized. No permit shall be issued if the application therefor is not accompanied by the statement of consent. This statement of consent shall not be required for coal mined under the provisions of KRS chapters 351 and 352.

(9) A basic fee of one hundred and fifty dollars ($150) plus thirty-five dollars ($35.00) for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit required herein shall be issued. The operator shall file with the department a bond payable to the commonwealth of Kentucky with surety satisfactory to the department in the penal sum to be determined by the department on the recommendation of the secretary of not less than *one thousand dollars ($1,000)* [five hundred dollars ($500)] nor more than *three thousand dollars ($3,000)* [one thousand five hundred dollars ($1,500)] for each acre or fraction thereof of the area of land affected, with a minimum bond of five thousand dollars ($5,000), conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the department. In determining the amount of the bond within the above limits, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the department, in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 2. KRS 350.990 is amended to read as follows:

(1) Any person or operator who violates any of the provisions of this chapter or regulations adopted pursuant thereto or who fails to perform the duties imposed by these provisions, or fails or refuses to obtain a permit as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this chapter, shall be liable to a civil penalty of not less than one hundred dollars ($100) nor more than *five thousand dollars ($5,000)* [one thousand dollars ($1,000)] for said violation, and an additional civil penalty of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the commonwealth of Kentucky by the attorney general in the Franklin Circuit Court or in the circuit court having jurisdiction of the defendant, and all sums recovered shall be placed in the state treasury.

(2) It shall be the duty of the attorney general, upon the request of the director, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this chapter.

(3) Any person who shall willfully violate any of the provisions of this chapter, or any determination or order promulgated pursuant to the sections of this chapter which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars ($500) and not more than five thousand dollars ($5,000). Each day on which such violation occurs shall constitute a separate offense.

The Committee Amendment to **HB 459** is as follows:

Amend printed copy of House Bill 459, on page 6, lines 5 and 6, by striking "*one thousand dollars ($1,000)*"

and on page 6, line 6, by deleting the "[" before the word "five" and by deleting the "]" before the word "nor"

and on page 8, following line 9, by adding the following:

"Section 3. KRS 350.151 is amended to read as follows:

(1) The department for natural resources and environmental protection shall promulgate rules and regulations for the reclamation of land disturbed or removed by activities resulting from or incident to a mine as defined in KRS 352.010(1)(s). Those activities shall include, but not be limited to, the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and all lands affected by haulage, excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface.

(2) The operator shall file with the department a bond payable to the commonwealth of Kentucky with surety satisfactory to the department in the penal sum to be determined by the department on the recommendation of the *secretary* [director] of not less than five hundred dollars ($500) nor more than *three thousand dollars ($3,000)* [fifteen hundred dollars ($1,500)] for each acre or fraction thereof of the area of land affected, with a minimum bond of five thousand dollars ($5,000) conditioned upon the faithful performance of the requirements set forth in this section and of the rules and regulations of the department. The department shall accept, in lieu of the surety provided herein, the deposit by the operator of United States government securities, cash, or its equivalent in a sum equal to the principal amount of the required bond."

**HB 602,** AN ACT relating to the mining of coal and clay.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 351.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the commissioner of the Department of Mines and Minerals;

(b) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;

(c) "Commercial mine" means any coal or clay mine from which coal or clay is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a mine where coal or clay is produced for own use;

(d) "Commissioner" means commissioner of the Department of Mines and Minerals;

(e) "Department" means the Department of Mines and Minerals;

(f) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by animals or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal;

(g) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, slopes, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface;

(h) "Fire boss" (often referred to as mine examiner) means a person designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;

(i) "Gassy mine" means any mine in which there is a record of methane having been ignited, or has been detected with a permissible flame safety lamp, or where methane in the amount of twenty-five hundredths percent (.25%) or more has been found not less than twelve (12) inches from the roof, face or rib, using approved methane testers or detectors or by analysis, *provided, nevertheless, that on and after the effective date of this Act all mines shall be classified as gassy or gaseous*;

(j) "Mine" means any open pit or any underground workings from which coal or clay is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine;

(k) "Mine foreman" means the *certified* person who the operator or superintendent places in charge of the workings of the mine and of *the* persons employed therein;

[(l) "Nongassy mine" means any mine not classified as a gassy mine;]

*(l)* [(m)] "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings including auger mines for the extraction of coal or clay;

*(m)* [(n)] "Operator" means an individual, firm or corporation operating a coal or clay mine or any part thereof;

*(n)* [(o)] "Permissible" means any equipment, device, or explosive that has been approved as permissible by the United States Bureau of Mines and meets all requirements, restrictions, exceptions, limitations, and conditions attached to such classification by the bureau;

*(o)* [(p)] "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent (19.5%) oxygen nor more than one-half of one percent (.5%) of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust;

*(p)* [(q)] "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings;

*(q)* [(r)] "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal or clay, for the purpose of ventilation or drainage, or for hoisting men, coal, clay or materials;

*(r)* [(s)] "Slope" means an inclined opening used for the same purpose as a shaft;

*(s)* [(t)] "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines*;* [.]

*(t) "Supervisory personnel" shall mean a person or persons properly certified under the provisions of this chapter to assist in the supervision of a portion or the whole of the mine or of the persons employed therein.*

(2) Except as the context otherwise requires, this chapter applies only to commercial coal and clay mines.

(3) The definitions in KRS 352.010 apply also to this chapter, unless the context requires otherwise.

Section 2. KRS 351.120 is amended to read as follows:

(1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for mine inspector, electrical inspector, mine safety instructor, assistant mine foreman, mine foreman or fire boss, who has passed the examination given by direction of the board for that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the commissioner prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required examination and possesses the qualifications required by law for mine inspector, electrical inspector, mine safety instructor, assistant mine foreman, mine foreman or fire boss, and is authorized to act as such.

(3) Certificates issued to mine foremen, assistant mine foremen, and fire bosses shall be classified as follows:

(a) Mine Foreman certificates, authorizing the holder to act as foreman for all classes of coal or clay mines;

(b) Assistant mine foreman certificates, authorizing the holder to act as assistant foreman. Upon the completion of five (5) years' mining experience evidenced by acceptable affidavits, the holder may apply to the board for a mine foreman's certificate;

(c) Fire boss certificates, authorizing the holder to act as fire boss or mine examiner in any mine.

(4) Any mine foreman or assistant mine foreman may act as fire boss or mine examiner, and any regularly employed fire boss may act in an emergency as a mine foreman or assistant mine foreman. This shall not apply to persons holding a second class mine foreman certificate issued before June 16, 1972.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the experience of the applicant.

(6) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a person of sobriety and good moral character, and that he has had the required practical experience in coal or clay mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state. A degree in Mining Engineering from a recognized institution

of learning may be taken as the equivalent of two (2) years of mining experience. A minimum of five (5) years' underground experience is required of applicants for mine foreman certificates and a minimum of three (3) years' underground experience is required of applicants for assistant mine foremen and fire boss certificates.

(7) Persons possessing certificates of qualifications to act as mine inspector, mine foreman, assistant mine foreman or fire boss prior to June 16, 1972, are not affected by this section.

(8) When approved by the department, any person holding a mine foreman's certificate issued by any other state may act in the capacity of mine foreman in any mine in this state until the next regular mine foreman's examination held by the department, but not to exceed a maximum of ninety (90) days.

*(9) A member of the supervisory personnel shall be present at the working section at all times employes under his supervision are at the working section.*

Section 3. KRS 351.140 is amended to read as follows:

Each mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting mines and aiding under the direction of the commissioner in carrying out and enforcing the provisions of the law relating to the inspection of mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the commissioner is not present, and assisting in such work in other districts when so directed by the commissioner;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when directed by the commissioner to do so; [and]

(6) Inspecting each mine in his district at least once every four months, or more often if practicable and if funds permit, and whenever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside facilities of the mine*; and*[.]

*(7) It shall be permissible for a mine inspector to inspect any coal preparation plant or surface facility of any mining operation of coal and clay.*

Section 4. KRS 352.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly;

(b) "Active workings" means all places in a mine that are ventilated and inspected regularly;

(c) "Approved" means a device, apparatus, equipment, machinery or practice approved by the commissioner of the Department of Mines and Minerals;

(d) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines and is approved by the Department of Mines and Minerals of this state;

(e) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;

(f) "Commercial mine" means any coal or clay mine from which coal or clay is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a mine where coal or clay is produced for own use;

(g) "Commissioner" means commissioner of the Department of Mines and Minerals;

(h) "Department" means the Department of Mines and Minerals;

(i) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by animals or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal;

(j) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, slopes, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface;

(k) "Face equipment" means mobile or portable mining machinery having electric motors or accessory equipment normally installed or operated in by the last open crosscut in any entry or room;

(l) "Fire boss" (often referred to as mine examiner) means a person designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;

(m) "Gassy mine" means any mine in which there is a record of methane having been ignited, or has been detected with a permissible flame safety lamp, or where methane in the amount of twenty-five hundredths percent (.25%) or more has been found not less than twelve (12) inches from the roof, face or rib, using approved methane testers or detectors or by analysis;

(n) "High voltage" means any voltage greater than one thousand (1,000) volts;

(o) "Imminent danger" means the existence of any condition or practice which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(p) "Inactive workings" shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned;

(q) "Low voltage" means up to and including six hundred sixty (660) volts;

(r) "Medium voltage" means voltages from six hundred sixty (660) to one thousand (1000)volts;

(s) "Mine" means any open pit or any underground workings from which coal or clay is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine;

(t) "Mine foreman" means the *certified* person who the operator or superintendent places in charge of the workings of the mine and of *the* persons employed therein;

[(u) "Nongassy mine" means any mine not classified as a gassy mine;]

*(u)* [(v)] "Open-pit mine" shall include open excavations, prospect openings and open-cut workings including auger mines for the extraction of coal or clay;

*(v)* [(w)] "Operator" means an individual, firm or corporation operating a coal or clay mine or any part thereof;

*(w)* [(x)] "Permissible" means any equipment, device, or explosive that has been approved as permissible by the United States Bureau of Mines and meets all requirements, restrictions, exceptions, limitations, and conditions attached to such classification by the bureau;

*(x)* [(y)] "Punch mining" means workings that are driven directly into the seam without cross entries;

*(y)* [(z)] "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent (19 1/2%) oxygen nor more than one-half of one percent (.5%) of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust;

*(z)* [(aa)] "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings;

*(aa)* [(bb)] "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal or clay, for the purpose of ventilation or drainage, or for hoisting men, coal, clay or materials;

*(bb)* [(cc)] "Slope" means an inclined opening used for the same purpose as a shaft;

*(cc)* [(dd)] "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines;

*(dd)* [(ee)] "Tipple or dumping point" means the tipple or structure where coal or clay is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance;

*(ee)* [(ff)] "Working face" means any place in a coal or clay mine in which work of extracting coal or clay from its natural deposit in the earth is performed during the mining cycle;

*(ff)* [(gg)] "Working place" means the area of a coal or clay mine inby the last open crosscut;

[(gg) [(hh)] "Working section" means all areas of a coal or clay mine from the loading point or transfer point of the section to and including the working faces.

(2) The definitions in KRS 351.010 apply also to this chapter, unless the context requires otherwise.

(3) Except as the context otherwise requires, this chapter applies only to commercial mines as defined in KRS 351.010.

Section 5. KRS 352.020 is amended to read as follows:

(1) The ventilation of all underground coal or clay mines shall be produced by means of mechanically operated fans located outside the mine in fireproof housing and offset at least fifteen (15) feet to one side or above the opening, protected by explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. The fan shall be installed so as to prevent recirculation of mine air. In gassy mines the main fan shall be operated from a power circuit independent from the mine circuit. If inside auxiliary fans are required to ventilate working places the commissioner must first approve the installation.

(2) The operator, superintendent or foreman of every coal or clay mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation. *In all mines the quantity of air passing through the last open crosscut between the intake and return in any pair of sets of entries shall be not less than nine thousand (9000) feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. All working faces in a working section between the intake and return airway entries shall be ventilated with a minimum quantity of three thousand (3000) cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and*

*harmful gases. The quantity of air reaching the last crosscut in pillar sections may be less than nine thousand (9000) cubic feet of air per minute if at least nine thousand (9000) cubic feet of air per minute is being delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful gases. All active underground working places in a mine shall be ventilated by a current of air containing not less than nineteen and one-half percent (19 1/2%) of oxygen, not more than one-half percent (.5%) of carbon dioxide, and no harmful quantities of other noxious or poisonous gases.* [At least six thousand (6000) cubic feet of air per minute shall be circulated around the main headings, cross headings, room headings and through the last open breakthrough; and sufficient air shall be directed to the working faces to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases. In pillar workings at least six thousand (6000) cubic feet of air per minute must be delivered to the beginning of the pillar line.]

(3) Any gassy mine or one operating under the water table shall maintain at least nine thousand (9000) cubic feet of air per minute at the points mentioned in subsection (2) of this section. The inspector shall have the authority to require additional air in any mine when he deems it necessary for the safety of the employes.

(4) When the air from a split has passed through and has ventilated all the working places in an air split of a mine it shall then be designated as return air.

(5) As working places advance, breakthroughs for air shall be made ninety (90) feet apart, except that where longwall or modern systems of mining are used the commissioner may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All *permanent* stoppings shall be substantially built with suitable *incombustible or fire resistant* material subject to the approval of the mine inspector so as to keep the working places well ventilated. Doors on the main haulways shall be avoided in gassy mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(6) In a mine where methane can be found to an extent of one percent (1%) or more on the return of any one (1) split, the inspector, with the approval of the commissioner may require the mine to be ventilated by the exhaust system, requiring the haulage roads and all trolley and feed wires to be located on the intake air and the electrical system to be so arranged that no wires carrying electrical current shall be on return air. A period of not more than ninety (90) days from date of notification shall be allowed to make the changes required.

Section 6. KRS 352.030 is amended to read as follows:

(1) As many as sixty (60) persons may work in the same air current or split, and with the approval of the mine inspector and the commissioner, as many as eighty (80) persons may work in the same air current. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than nineteen and one-half percent (19.5%) of oxygen, nor more than one-half percent (.5%) of carbon dioxide, nor any dangerous quantities of inflammable gas, nor any harmful amount of poisonous gases or dust, when the current of air enters into each split. In any event, the ventilation shall be sufficient to prevent methane accumulations, so far as practicable, and to keep the methane percentage in the return of any split to not more than two percent (2%).

(2) The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

(3) When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the department shall have authority to order improvement of the ventilation.

(4) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of a certified official designated by the mine foreman.

(5) Each operator shall adopt a plan within sixty (60) days after June 16, 1972, which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent:

(a) To withdraw all persons from the working sections;

(b) To cut off the power in the mine in a timely manner;

(c) To provide for restoration of power and resumption of work if ventilation is restored within a reasonable period, *of not more than fifteen (15) minutes,* as set forth in the plan after the working places and other active workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of one percent (1%) or more exists therein;

(d) To provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time, *of not more than fifteen (15) minutes*. The plan and revisions thereof approved by the commissioner shall be set out in printed form and a copy shall be furnished to the commissioner or his authorized representative.

Section 7. KRS 352.050 is amended to read as follows:

(1) After June 16, 1972, no machinery powered by an internal combustion engine shall be placed in use in underground workings unless such equipment is rated "permissible" by the United States Bureau of Mines for underground use and the use of the machinery is approved by the commissioner of the Department of Mines and Minerals.

(2) No steam locomotive shall be used in any mine where men are actually employed in the extraction of coal, but this shall not prevent the operation of a steam locomotive through any tunnel haulway and part of a mine which is not in actual operation and producing coal.

(3) No operator, superintendent or mine foreman shall provide an animal stable inside any mine, unless it is approved in writing by the commissioner.

*(4) Mining equipment being transported or trammed underground, other than ordinary sectional movements, shall be transported or trammed by qualified personnel under the supervision of a certified foreman. When equipment is being transported or trammed, no person shall be permitted to be in by the equipment in the ventilating split that is passing over such equipment. To avoid accidental contact with power lines, face equipment shall be insulated and assemblies removed, if necessary, so as to provide clearance.*

Section 8. KRS 352.060 is amended to read as follows:

The following rules shall govern in the rock-dusting of mines:

(1) All dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the commissioner or his accredited representative shall require the necessary rock-dusting to make the mine, part of mine or section safe.

(2) In all mines, accumulations of fine dry coal dust shall [, as far as practicable,] be removed from the mine, and all [dry and dusty] operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the commissioner, but in every [dusty] mine, or in any part or section thereof, rock-dusting shall be applied to maintain at all times a minimum percentage of sixty-five percent (65%) of noncombustible matter to within forty (40) feet of the faces, including last open crosscuts, and under certain special conditions the department may require that places be rock-dusted to the faces, and that additional rock-dust must be added. [The term "dusty mine" shall not include a wet or damp mine; but the provisions hereof relating to rock-dusting shall apply to any dusty part or section of a wet or damp mine.]

Section 9. KRS 352.090 is amended to read as follows:

(1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

(3) Where the practice is to seal abandoned workings, the sealing shall be done *immediately* in an effective manner with noncombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the mine inspector and commissioner, drill holes shall be extended from the surface to the sealed area, or vent pipes shall be extended from the sealed area to a return air course. Any owner, operator, or lessee who fails to comply with this subsection shall be guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) at the discretion of the court. Each day the mine is operated in violation of this subsection constitutes a separate offense.

Section 10. KRS 352.150 is amended to read as follows:

(1) After June 16, 1972, on single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than five (5) feet in depth from the side of the mine car, and five (5) feet wide, and not more than ninety (90) feet apart. Refuge holes of the same dimensions shall also be provided at switch throws.

(2) Special places of refuge are not required on haulage roads on which room necks or breakthroughs occur at regular intervals not exceeding ninety (90) feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty (30) inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No unauthorized person shall travel on foot to or from work upon any haulage road or slope where transportation is by track, when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light or marker approved by the commissioner on the front and rear of every trip or train of cars when in motion in the mine.

(5) Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used and shall be so controlled that they can be stopped within the limits of visibility, in no event at a speed in excess of twelve (12) miles per hour.

(6) Each man-trip consisting of more than one (1) mine car of men shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.

(7) Cars on the man-trip shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.

(8) No person shall ride under the trolley wire unless suitably covered man-cars are used.

(9) No material or tools except small hand tools shall be transported in the same car with men on any man-trip unless in a separate, enclosed compartment of the car, and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

(10) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

(11) A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

(12) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.

(13) Cars used for transporting men on slopes shall be equipped with a safety device capable of stopping the trip in event of failure of the rope or couplings. Such device shall be approved by the commissioner.

(14) Where belts are used for transporting men, a minimum clearance of eighteen (18) inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four (24) inches.

(15) Unless a greater speed is allowed by special permission from the commissioner, in which event the conditions, limitations and rules imposed in connection with the grant of such permission shall be observed, the belt speed shall not exceed two hundred fifty (250) feet per minute where the minimum overhead clearance is eighteen (18) inches, or three hundred (300) feet per minute when the minimum overhead clearance is twenty-four (24) inches, while men are loading, unloading, or being transported.

(16) The space between men riding on a belt line shall not be less than six (6) feet.

(17) Loading and unloading stations shall be illuminated properly.

(18) A certified official or some other *supervisory personnel* [competent person] appointed by the mine foreman shall supervise *all* [the loading and unloading of belts and] man-trips.

*(19) Efficient equipment, either mobile or self-propelled, equipped with sufficient first aid equipment and supplies, shall be available on all underground sections to transport injured workers to the surface.*

*(20)* [(19)] The commissioner shall be empowered to draft additional rules and regulations providing for transportation of men when necessary.

Section 11. KRS 352.190 is amended to read as follows:

(1) For every fifty (50) men and fraction thereof employed underground, the operator of each mine shall keep on hand at the mine one (1) properly constructed stretcher, one (1) waterproof and one (1) woolen blanket, and all other necessary equipment advised by the department.

(2) Each operator shall see that all employes *receive* [are offered] the necessary first-aid training at least once each year for the safety of themselves and their fellow workmen as recommended by the department.

Section 12. KRS 352.201 is amended to read as follows:

(1) The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof control plan and revision thereof suitable to the roof conditions and mining system of each mine and approved by the

commissioner shall be adopted and set out in printed form within six (6) months after June 16, 1972. The plan shall show the type of support and spacing approved by the commissioner. No person shall proceed beyond the last permanent support unless adequate temporary support is provided [or unless such temporary support is not required under the approved roof control plan and the absence of such support will not pose a hazard to the miners]. A copy of the plan shall be furnished the commissioner or his authorized representative and shall be available to the miners and their representatives.

(2) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(3) The operator, in accordance with the approved plan, shall provide at or near each working face and at such other locations in the mine as the commissioner may prescribe an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof bolt holes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Except in the case of recovery work, supports knocked out shall be replaced promptly.

(4) When installation of roof bolts is permitted, such roof bolts shall be tested in accordance with the approved roof control plan.

[(5) Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced workmen and only where adequate temporary support is provided.]

*(5)* [(6)] Where workmen are exposed to danger from falls of roof, face, and ribs they shall examine and test the roof, face, and ribs before any other work is performed or machinery is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

Section 13. KRS 352.220 is amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half (6 1/2) feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection;

(b) All machine feed wires shall be placed on insulators which shall be so placed as to prevent the wires coming in contact with the coal;

(c) When the machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in paragraph (a) of this subsection;

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of rooms when so ordered by the department, but wires, when protected as provided for in paragraph (a) of this subsection, may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine and all important sections in the mine;

(e) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected;

(f) Ground wires for low voltage circuits shall be at least one-fourth (1/4) as large as the circuit wires;

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury, but cables in suspended long loops will be acceptable;

(h) One (1) temporary splice may be made in any trailing cable. No temporary splice shall be made in a trailing cable within twenty-five (25) feet of the machine except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat and spark under load shall not be used;

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Low and medium voltage three phase alternating current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the commissioner or his authorized representative may permit underground low-and-medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length;

(k) The frames of hand-held electrically driven tools and portable sump pumps shall be properly grounded, and they shall be provided with fuses or circuit breakers;

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred (200 )foot intervals, except nonmetallic pipes or pipes using insulated type couplings or pipes installed remotely from track or power systems;

(m) Where track is used for the return circuit, at least one (1) side must be bonded to the full length of the trolley wire installation. Cross-bonds shall be installed *not to exceed* [at about] two hundred (200) foot intervals along the track;

(n) After June 16, 1972, all underground high-voltage transmission cables shall be installed only in regularly inspected air courses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half (6 1/2) feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated or placed to prevent contact with trolley wires and other low-voltage circuits. Underground high-voltage cables used in resistance grounded systems shall be equipped with metallic shields around each power conductor, with one (1) or more ground conductors having a total cross-sectional area of not less than one-half (1/2) the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near the outside end of the cable;

(p) Permanent battery charging stations, permanent pump installations, motor generator sets, rotary converters and oil filled transformers and switches, used underground shall be housed in fireproof enclosures ventilated by a separate split of air direct to the main return. Underground stations containing transformers or circuit breakers filled with inflammable oil shall be provided with door sills or their equivalent, which will confine the oil if leakage or rupture occur, and shall be of fireproof construction. Underground transformers purchased after June 16, 1972, shall be air cooled or cooled with noninflammable liquid or inert gas. Sectional type portable power centers, portable transformers and distribution centers which are essentially fireproof are not required to be placed on separate splits of air but must be stationed in well ventilated places outby last open crosscuts.

(q) All mine locomotives shall be fused or otherwise protected at the switch or at the nip;

(r) Suitable fire-fighting equipment shall be located at strategic points along the belt conveyor, and proper fire extinguishers shall be provided at the transfer points. The commissioner may prescribe any other safety measures for the prevention and combating of mine fires as they pertain to conveyor belts. After June 16, 1972, only approved flame resistant belting shall be taken into and used inside any mine, and all underground belt conveyors shall be provided with slippage and sequence switches and with controls at locations recommended by the mine inspector. This does not prevent the use of belting which is being used on June 16, 1972; but the use of rubber belting shall be under such conditions as may be prescribed by the commissioner;

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside;

(t) Telephone lines crossing trolley wires shall be carefully *guarded* [protected] *in a non-conductive conduit*;

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.;

(v) Ground wires in trailing cables shall be tested periodically for open circuit and/or high resistance joints;

(w) Power circuits in tipples, buildings, cleaning plants, etc., and all inside electrical circuits shall be deenergized when not in use over a long period;

(x) Where electric circuits cross over or pass under belt conveyors the wiring shall be protected by conduit;

(2) The following shall apply to surface installations:

(a) High-voltage lines shall be at least twenty (20) feet above the ground where there is a possibility of contact by traffic passing underneath;

(b) Protective barriers shall be so constructed between high-voltage wires and telephone wires, trolley circuits, and any other similar conveyor wires or circuits as to prevent their failure by the falling of such high tension lines across such other circuits, wires or conveyors;

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers, or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut in two or damaged mechanically;

(d) On low-voltage circuits, wires shall be supported on insulators except when cables made for use without insulators, which are of such design as can be safely used without insulators, are used;

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches shall also be provided;

(f) Every metallic building in which electricity is used or connected with any circuit shall be effectively grounded;

(g) All transformer tanks shall be effectively grounded;

(h) Switch boxes, contactors, controllers and all other similar devices shall be kept free of dust accumulations;

(i) Surface transformer stations shall be housed or fenced in when lower than fifteen (15) feet above the earth, and the fences shall be a minimum of six(6) feet in height.

(3) (a) Nothwithstanding any provisions of subsections (1) or (2) of this section, the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this section, to be constructed, maintained, operated or conducted in a different manner than specified in any provision of subsections (1) or (2) of this section, when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in subsections (1) or (2) of this section;

(b) The department may prescribe [after agreement with the affected parties,] any other regulations with respect to the above-ground or underground installations in connection with any mine operation when information is made available indicating that such regulation is reasonably necessary to prevent injury to, or loss of, life and property.

Section 14. KRS 352.230 is amended to read as follows:

(1) After June 16, 1972, in gassy mines all electrical equipment purchased for face use underground shall be of the permissible type.

(2) No person shall be placed in charge of electrical equipment in any mine unless he is a *qualified* [competent] person, capable of determining the safety of the roof, face and ribs of the working places and detecting the presence of explosive gas where necessary. Operators of electrical face equipment in a gassy mine shall undergo an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electric face equipment, *and shall have a minimum of ninety (90) days of actual mining experience* [unless accompanied by a certified fire boss, or a person having passed such an examination]. At gassy mines safety committeemen, shotfirers, and others whose duty may require them to make examination for gas shall undergo and pass such examination or possess a mine foreman's certificate or fire boss certificate before using a flame-safety lamp underground. The examination shall be given by the mine inspector; blank forms therefor to be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the applicant and approved by the mine inspector.

(3) In any gassy mine, no electric face equipment shall be brought within the last breakthrough next to the working face until the equipment operator has made an inspection for explosive gas using a flame-safety lamp or other approved device or instrument in the place where such equipment is to work, unless the examination is then made by some other competent person authorized and appointed for that purpose by the mine foreman. If any explosive gas is found in the place the electric equipment shall not be taken in until the gas is removed.

(4) While the electric equipment is operating at the face, an examination for gas must be made at not more than twenty (20) minute intervals. If gas is found in excess of one percent (1%) the power shall be disconnected from the equipment and left disconnected until the gas is removed and the place reported safe by a certified official.

*(5) Headlights shall be installed and maintained in a permissible and working order on all mobile and face equipment at all times such equipment is in operation.*

*(6) Headlights shall be mounted to provide maximum illumination where it will be most effective and shall be protected from damage by guarding or locations.*

Section 15. KRS 352.241 is amended to read as follows:

(1) Explosives or detonators carried anywhere underground by any person shall be in containers constructed substantially of nonconductive material, maintained in good condition and kept closed.

(2) When explosives or detonators are transported underground in cars moved by means of a locomotive or rope, or in shuttle cars, they shall be in substantial covered cars or in special substantial covered containers used specifically for transporting detonators or explosives:

(a) The bodies and covers of such cars and containers shall be constructed or lined with nonconductive material;

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four-inch substantially fastened hardwood partition or the equivalent;

(c) Explosives, detonators, or other explosive items shall not be transported on the same trip with men;

(d) When explosives or detonators are transported in special cars or containers in cars, they shall be hauled in special trips not connected to any other trip; provided, however, that this does not prohibit the use of such additional cars as needed to lower a rope trip, or to haul supplies including timbers; and provided further that materials so transported shall not project above the top of the car. Exposed highly flammable materials such as hay, oil, or grease shall not be hauled on the same trip with explosives;

(e) Explosives or detonators shall not be hauled into or out of a mine within five (5) minutes preceding or following a man trip or any other trip.

(3) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers;

(b) Clearance requirements shall be the same as those for transporting men on belts;

(c) Suitable loading and unloading stations shall be provided;

(d) Stop controls shall be provided at loading and unloading points, and an attendant shall supervise the loading and unloading of explosives and detonators.

(4) Neither explosives nor detonators shall be transported on flight or shaking conveyors, scrapers, mechanical loading machines, locomotives, cutting machines, drill trucks, or any self-propelled mobile equipment; provided, however, that this does not prohibit the transportation of explosives or detonators in special *substantial covered containers as used in subsection (2) of this section* [closed containers] in shuttle cars ~~or~~ in equipment designed especially to transport such explosives or detonators.

(5) When supplies of explosives and detonators for use in one or more sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five (25) feet from roadways and power wires, and in a reasonably dry, well-rock-dusted location protected from falls of roof. In pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(6) When explosives or detonators are stored in the section, they shall be kept preferably in separate boxes or magazines not less than five (5) feet apart; if kept in the same box or magazine, they shall be separated by at least a four-inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight (48) hour supply of explosives or detonators shall be stored underground in such boxes or magazines.

(7) Explosives and detonators stored near the working faces shall be in separate closed containers, and shall be in a location out of line of blast not less than fifty (50) feet from the face and fifteen (15) feet from any pipeline, powerline, rail or conveyor; except that if kept in niches in the rib, the distance from pipeline, powerline, rail or conveyor shall be at least fifteen (15) feet. Such explosives and detonators, when stored, shall be separated by a distance of at least ten (10) feet.

(8) Explosives and detonators shall be kept in their containers until immediately before use at the working faces.

(9) Only nonmetallic tools shall be used for opening wooden explosives containers. Tools or other materials shall not be stored with explosives or detonators.

(10) All explosives used underground in underground mines except in sinking shafts and slopes from the surface shall be of the permissible type, specifically designed and manufactured for underground use, and shall be used as follows:

(a) Fired only with electric detonators of proper strength;

(b) Fired with permissible shot-firing units, unless firing is done from the surface when all men are out of the mine;

(c) Where the coal or clay is cut, shots shall not be fired if the blast hole is drilled beyond the limits of the cut;

(d) Boreholes shall be cleaned, and they shall be checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged;

(e) All blasting charges shall have a burden of at least eighteen (18) inches in all directions if the height of the seam permits.

(f) Boreholes shall be stemmed with at least twenty-four (24) inches of incombustible material, or at least one-half (1/2) of the length of the hole shall be stemmed if the hole is less than four (4) feet in depth unless other permissible stemming devices or methods are used;

(g) In gassy mines, examinations for gas shall be made immediately before firing each shot or group of multiple shots and after blasting is completed;

(h) Shots shall not be fired in any place where methane can be detected with a flame safety lamp when tested at a point not less than twelve (12) inches from the roof, face or rib;

(i) Charges exceeding one and one-half (1 1/2) pounds, but not exceeding three (3) pounds, shall be used only if boreholes are six (6) feet or more in depth, the explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other and with the end cartridges touching the back of the hole and the stemming respectively; provided, however, that the three pound limit does not apply to special solid rock work if the mine is evacuated or if approved by the department;

(j) Shots shall be charged and fired by qualified shot firers designated by the mine foreman;

(k) Boreholes shall not be charged while any other work is being done at the face, and the shot or shots shall be fired before any other work is done in the zone of danger from blasting except that which is necessary to safeguard the employes;

(l) Only nonmetallic tamping bars shall be used for charging and tamping boreholes. This does not prohibit the use of a nonmetallic tamping bar with a nonsparking metallic scraper on one (1) end;

(m) The leg wires of electric detonators shall be kept shunted until ready to connect to the firing cable;

(n) Shots shall not be fired from the power or signal circuit while any men are in the mine;

(o) The roof and ribs of working places shall be tested before and after firing each shot or group of multiple shots;

(p) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through;

(q) Mixed types or brands of explosives shall not be charged or fired in any borehole;

(r) Mudcaps (adobes) or other unconfined shots shall not be fired underground in a mine.

(11) Blasting cables shall be:

(a) Well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner;

(b) Short-circuited at the battery end until ready to attach to the blasting unit;

(c) Staggered as to length or the ends kept well separated when attached to the detonator leg wires;

(d) Kept clear of power wires and all other possible sources of active or stray electric current.

(12) Where misfires occur with electric detonators, a waiting period of at least five (5) minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery ends short-circuited before electric connections are examined.

(13) Explosives shall be removed by firing a separate charge at least two (2) feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

(14) A very careful search of the working place, and, if necessary, of the blasted material after it reaches the surface shall be made after blasting a misfired hole, to recover any undetonated explosive.

(15) The handling of a misfired shot shall be under the direct supervision of the mine foreman or a competent person designated by him.

(16) Where compressed air is used for blasting or breaking coal or clay, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel airlines tested to withstand an approximate pressure of twenty thousand (20,000) pounds per square inch;

(b) Airlines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, waterlines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track;

(c) Shutoff valves shall be installed every *one* thousand (1,000) feet in all compressed-air blasting lines and in all branch lines at a point near the main lines;

(d) Compressed-air blasting lines shall be protected at places where equipment passes over, under, or adjacent to them;

(e) Steel, copper, or other lines shall not be handled or repaired when air pressure is in the line;

(f) Airlines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found;

(g) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization;

(h) Blowdown valves shall not be less than forty-five (45) feet from the face and shall be around a right angle;

(i) Holes for compressed-air tubes shall be within the limits of the cut;

(j) When blowdown valves are opened to discharge the tube, they shall remain open until time to place the tube in the next borehole except where shear-strip or shear-pin tubes are used;

(k) After breaking down the coal or clay in any one (1) place, the tube shall be disconnected at once from the airline and not reconnected until ready to be used in the next place;

(l) When a differential-pressure-type tube fails to discharge, the line leading to the tube shall be disconnected at the blowdown valve, and the tube shall be dragged by means of the line to an inactive place, marked with warning signs, and left one (1) hour before any repair work is done thereon;

(m) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle while coal or clay breaking is in progress.

Section 16. KRS 352.280 is amended to read as follows:

In all gassy mines the operator or superintendent shall employ one or more certified fire bosses or other properly certified persons. The fire boss or other properly certified person shall examine carefully within three (3) hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and all pillar falls in the mine. Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use an approved safety-lamp. The fire boss or other properly certified person shall examine for all dangers in all portions of the mines under his charge, and after examination he shall leave at the face of every place examined the date *and time* of the examination and his initials as evidence that he has performed his duty. He shall also examine the entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter. When the mine is idle and workmen are required to go into the mine, the section, portion or part of the mine entered, if gassy, must be inspected by a fire boss or other properly certified person within three (3) hours before the workmen enter.

Section 17. KRS352.290 is amended to read as follows:

A suitable record book shall be kept at the mine office of every mine wherein fire bosses are employed, and immediately after the examination of the mine or any portion thereof, by a fire boss, he shall enter and sign a record of the examination in the book with ink or indelible pencil. The record shall clearly show the time taken in making the examination, the nature and location of any danger discovered in the mine and what has been done to correct such dangerous conditions. If any danger is discovered, the fire boss shall immediately report its location to the mine foreman, or in his absence to the assistant mine foreman in charge, who shall *take immediate action to remove such danger* [report to the mine foreman]. When a station is located inside a mine the fire boss shall enter and sign a report both in the record book kept there and in a record book in the mine office on the surface. The record books of the *mine operator* [fire bosses] shall at all times during working hours be accessible to the mine inspector. Each *mine operator* [fire boss] shall furnish the mine inspector, once each week, a copy of such records which the mine inspector shall preserve. Failure of the *mine operator* [fire boss] to furnish such copy to the mine inspector, as aforesaid, shall subject the *mine operator* [fire boss] to the penalties provided in KRS 352.280 and 352.310.

Section 18. KRS 352.350 is amended to read as follows:

(1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state *what action was taken to correct such danger,* whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

(3) The mine superintendent, mine foreman and assistant foreman shall be held jointly responsible for the immediate compliance *with the provisions of KRS Chapters 351 and 352* [of the inspector's recommendations].

Section 19. KRS 352.360 is amended to read as follows:

(1) The mine foreman shall see that breakthroughs are made as required by law, and shall see that ventilation is conducted by means of the breakthroughs and through the rooms by means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once each week while the mine is in operation the mine foreman, or some certified person designated by the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of the advanced headings, and shall keep a record of such measurements in a book approved by the commissioner for the purpose.

(3) The mine foreman shall see that signboards directing the way to outlets or escapeways are conspicuously placed throughout the mine.

*(4) After June 16, 1976, hinged man doors, at least thirty (30) inches square or the height of the coal seam, shall be installed on the intake and the return air course at intervals of at least three hundred (300) feet when the height of the coal is below forty-eight (48) inches and at intervals of at least five hundred (500) feet when the height of the coal is above forty-eight (48) inches.*

Section 20. KRS 352.390 is amended to read as follows:

The Board of Examiners may revoke the certificate of a mine foreman, assistant mine foreman or fire boss if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, [willful] failure to comply with the *mining laws of the Commonwealth of Kentucky* [instructions of the mine inspector to obey the mining laws,] or for other just cause. The certificate holder against whom charges are made may appear before the board and defend against the charges, and shall have five (5) days' notice in writing of the charges previous to the hearing.

Section 21. KRS 352.400 is amended to read as follows:

(1) The operator of any mine may adopt special rules consistent with KRS chapters 351 and 352 for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the commissioner. The rules, when adopted and approved in writing by the commissioner, shall be printed on cardboard in the language spoken by seventy-five per cent (75%) or more of the employes at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employes at the mine. *Before* [When] the rules are so adopted, approved and posted, *the representative of the* [all] employes at the mine shall be *given a copy* [deemed to have notice] thereof, and to have agreed thereto, *before the employes are required to obey such rules* [and they shall obey the rules].

(2) The mine rules shall be printed in a form prescribed by the commissioner.

(3) Each mine operator [, when requested by an employe,] shall furnish *each employe* [him] a copy of the mine rules.

Section 22. KRS 352.410 is amended to read as follows:

(1) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine, *not to exceed 500 feet,* a sufficient quantity of all materials and supplies required to preserve the safety of employes, as ordered by the mine foreman and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman, who shall withdraw the men from the mine until the materials or supplies are received.

(2) The superintendent shall, at least once each week, read and examine carefully and countersign all reports entered in the mine record book of the mine foreman.

(3) The operator or superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties under KRS Chapters 351 and 352, and shall direct that the mine foreman and all other employes under him comply with the law, especially when his attention is called by the mine inspector or by the commissioner to any violations of the laws.

(4) The superintendent shall keep on hand at the mine a supply of printed rules, notices and record books required by this chapter. The superintendent shall see that rules, notices and record books are delivered to the proper persons at the mine and are properly cared for, and that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept legible.

Section 23. KRS 352.420 is amended to read as follows:

(1) The operator or superintendent of each mine shall give the commissioner at least ten (10) days' notice of the following:

(a) Abandonment of a mine;

(b) Resumption of work in a mine after an abandonment or discontinuance for a period of two (2) *weeks* [months] or more;

(c) Change in the operator or name of a mine.

(2) Each mine shall be inspected and approved by the department before operations are resumed after an abandonment or discontinuance for two (2) *weeks* [months] or more.

Section 24. KRS 352.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 352.020 to 352.040, subsection (1) of KRS 352.050, KRS 352.060 to 352.090, KRS 352.110 to 352.140 or subsection (1) of KRS 352.190 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(2) Any person who violates any of the provisions of subsection (2) or (3) of KRS 352.050, subsection (2) of KRS 352.190 or KRS 352.220 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(3) Any person who violates any of the provisions of KRS 352.100 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(4) Any person who violates any of the provisions of KRS 352.150 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(5) Any person who shall violate any of the provisions of KRS 352.170 or 352.180 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(6) Any person who violates any of the provisions of KRS 352.201 shall be [subject to a] fine*d* [of] not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(7) Any person who violates any of the provisions of KRS 352.210 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000). Any person who violates any regulations validly prescribed by the department pursuant to KRS 352.220, subsection (3) (b) shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(8) Any operator, manager, superintendent, mine foreman, fire boss or equipment operator who violates any of the provisions of KRS 352.230 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(9) Any person who violates any of the provisions of KRS 352.241 shall be [subject to a] fine*d* [of] not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(10) Any person who violates any of the provisions of KRS 352.251 shall be [subject to a] fine*d* [of] not less than one hundred *dollars* nor more than one thousand dollars ($1,000).

(11) Any person who violates any of the provisions of KRS 352.260 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(12) Any person who violates any of the provisions of KRS 352.270 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(13) Any person who violates any of the provisions of KRS 352.320 to 352.380 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(14) Any person who violates any of the provisions of KRS 352.280 to 352.310 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(15) Any person who violates any of the provisions of KRS 352.371 shall be [subject to a] fine*d* [of] not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(16) Any operator, manager, superintendent, mine foreman or employe who violates any of the provisions contained in any mine rules after they have been approved as provided by KRS 352.400 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(17) Any operator, manager, superintendent or mine foreman who violates any of the provisions of KRS 352.410 or 352.420 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(18) Any mine inspector, operator, manager or superintendent who violates any of the provisions of KRS 352.430 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(19) Any operator, manager, superintendent or engineer who violates any of the provisions of KRS 352.450 to 352.480 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(20) Any owner, tenant, company, corporation, manager, engineer mine foreman or employe who violates any of the provisions of KRS 352.490 or 352.500 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(21) Any person who violates any of the provisions of KRS 352.510 fixing the distance from wells within which mining operations may be conducted without the approval of the department, and any person who violates any of the terms of an order of the department allowing mining operations within a lesser distance of any well than that prescribed by law shall be fined not more than one thousand dollars ($1,000) or imprisoned for not more than twelve (12) months, or both.

(22) Any inspector of mine weights, operator, superintendent, agent, company weighman or check weighman who violates any of the provisions of KRS 352.520 or 352.530 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000).

(23) Any person, company or corporation that violates any of the provisions of KRS 352.540 or 352.550 shall be fined not less than one hundred *dollars* ($100) nor more than one thousand dollars ($1,000) for each violation.

*(24) Any operator, manager, superintendent, mine foreman, or assistant mine foreman, in charge of the person or persons violating any of the above provisions, shall be fined in conjunction with the person or persons, an equal amount, and their certificate may be revoked.*

Section 25. KRS 352.380 is hereby repealed.

The Committee Amendment to **HB 602** is as follows:

Amend printed copy of House Bill 602, on page 7, line 17, after the word "*section*" add the words "*except in cases of emergencies*";

and on page 7, line 18 after the word "*section*" add the words "*on coal producing shifts*";

and on page 13, line 26 by deleting the "[" before the "(gg.)";

and on page 14, line 1 by placing a "[" after the word "point";

and on page 14, line 2 by placing a "]" after the word "section";

and on page 15, line 5 after the word "*faces*" by adding the words "*from which coal is being cut, mined or loaded*";

and on page 16, line 15 by adding the words "*not more than*" after the word "made";

and on page 16, line 25 before the word "Doors" by adding the words "*All brattice cloth (jute, or any substitute) and ventilation tubing shall be flame resistant.*"

and on page 20, line 23 by adding before the word "*other*" the words "*where energized trolley wires or trolley feeder wires are present*";

and on page 20, line 25 by adding after the word "When" the word "*such*";

and on page 20, line 26 by adding after the word "*person*" the words "*except those persons directly engaged in moving such equipment,*";

and on page 27, line 1 before the word "*to*" add the words "*where men are present*";

and on page 27, line 14 delete the word "*receive* [" and the "]" after the word "offered";

and on page 29, line 5 by deleting the "[";

and on page 29, line 13 by deleting the "]";

and on page 37, line 25 before the word "equipment" add the word "*face*";

and on page 50, line 24 by deleting the words "Each *mine*";

and on page 50, lines 25 and 26 and page 51, lines 1-5 by deleting same and inserting in lieu thereof the following:

"[Each fire boss shall furnish the mine inspector, once each week, a copy of such records which the mine inspector shall preserve. Failure of the fire boss to furnish such copy to the mine inspector, as aforesaid, shall subject the fire boss to the penalties provided in KRS 352.280 and 352.310.]";

and on page 52, line 26 by deleting same and inserting in lieu thereof the following "*Hinged man doors, installed after June 16, 1976 shall be at least*";

and on page 53, line 3 by deleting the words "*of at least*" and inserting in lieu thereof the words "*not to exceed*";

and on page 53, line 5 by deleting the words "*of at least*" and inserting in lieu thereof the words "*not to exceed*";

and on page 54, line 13 after the word "and" by inserting in lieu thereof the words "*be deemed*";

and on page 60, line 24 by inserting after the word "*foreman,*" the words "*whosoever shall be*";

and on page 60, line 26 by deleting the word "*shall*" and inserting in lieu thereof the word "*may*";

and on page 61, line 1 by inserting after the word "*revoked*" the following: "*, if it is shown that the violation occurred with their knowledge.*";

and on page 61, line 2 by deleting same.

**SB 211,** AN ACT relating to blasting and the use of explosives.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 351.310 is amended to read as follows:

As used in *this Act* [KRS 351.320 to 351.340] unless the context clearly indicates otherwise:

(1) "Explosives" means any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion, or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by detonation may produce an explosion, capable of causing injury to persons or damage to property;

(2) "Blasting operation" means the use of explosives in the blasting of stone, rock, ore or any other natural formation, or in any construction or demolition work, but shall not include its use in agricultural operations;

(3) "Blaster" means a person licensed to fire or detonate explosives in blasting operations;

[(4) "Person" means individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or other entity whatsoever;]

*(4)* [(5)] "Charge" means a quantity of explosive or equivalent that is to be detonated within a period of five seconds;

*(5)* [(6)] "Subcharge" means a quantity of explosive or equivalent that is to be detonated within a period of less than *eight* [one] milliseconds;

*(6) "Detonation time" means the time at which the detonation is initiated;*

(7) "Department" means the Department of Mines and Minerals;

(8) "Commissioner" means the Commissioner of Mines and Minerals.

Section 2. A new section of KRS Chapter 351 is created to read as follows:

(1) No person shall detonate explosives in any blasting operation in which more than five pounds of explosives or the equivalent are used in a single charge or in which less than five pounds of explosives is used by a regular user, excluding blasting for agriculture and underground coal, unless he is licensed by the department. The department shall issue a license to use explosives to any person who:

(a) Has worked in blasting operations for at least twenty-four (24) months under the immediate supervision of an experienced blaster, and;

(b) Has passed an examination, prescribed by the department which shall test the examinee's practice of blasting operations and the storage, moving, handling, and detonation of explosives.

(2) Application for license shall be in writing upon a form furnished by the department and shall be accompanied by a fee of ten dollars. If the applicant is successful in passing the examination, a license indicating his competency to detonate explosives shall be issued upon the payment of an additional fee of five dollars.

(3) Any person who is a licensed blaster in another state where the qualifications prescribed at the time of licensing were, in the opinion of the commissioner, equal to those prescribed in the Commonwealth at the date of application, and where reciprocal licensing privileges satisfactory to the department are granted to licensees of the Commonwealth, may be granted a license without an examination, upon the payment of a fee of five dollars.

(4) Each blaster shall be required to renew his license each year by application to the department, which application shall be accompanied by a fee of five dollars.

(5) The commissioner may suspend any license for due cause but no license may be revoked until the licensee has been granted adequate opportunity for a hearing.

Section 3. A new section of KRS Chapter 351 is created to read as follows:

The department may institute classifications of blasters for the purpose of insuring adequate skill in different types of blasting operations. Classification will be determined by passage of a corresponding examination.

Section 4. KRS 351.330 is amended to read as follows:

(1) *Blasting* [The use] of explosives for *use* [the purpose of blasting] in the neighborhood of any public highway, stream of water, dwelling house, public building, school, church, commercial or institutional building, [or] pipeline, *or utility* shall be done in accordance with the provisions of this section, and rules and regulations promulgated by the department.

*(2) Where necessary in a blasting operation, the department may require that the operator submit a blasting plan to the department for approval.*

*(3)* [(2)] In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of the ground motion in any direction shall not exceed two inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building and the particle velocity at such location immediately after a period of one second following the peak particle velocity produced by any charge shall not *continuously* exceed one-half *inch* [foot] per second.

*(4)* [(3)] Blasting operations without instrumentation will be considered as being within the limits set forth in this subsection if such blasting operations are conducted in accordance with rules and regulations of the department establishing the maximum amount of explosives to be used in a single charge and in a single subcharge within specified distances from any location provided by subsection (1). No more than 40,000 pounds of explosives may be used in any charge except with the approval of the commissioner. [nor shall any two consecutive subcharges within any charge be separated by a delay time of less than eight milliseconds nor shall the total delay time in any charge exceed 200 milliseconds except that if the amount of explosives used in any subcharge is less than the maximum permitted by the department pursuant to this subsection, the minimum permitted delay time following that subcharge may be decreased in the same ratio.] Regulations promulgated by the department pursuant to this subsection shall be in such terms that compliance therewith will assure compliance with the provisions of subsection *(3)* [(2)].

*(5) No two consecutive subcharges containing the maximum permitted by the department pursuant to this subsection shall have a detonation time separated by less than eight milliseconds, except that if the amount of explosive used in any subcharge is less than maximum permitted by the department pursuant to subsection (4), the time delay between detonation time may be decreased in the same ratio.*

*(6)* [(4)] Any blasting operation may be conducted without reference to any maximum amount or period provided by or pursuant to subsection *(4)* [(3)] if the operator of such blasting operation demonstrates by instrumentation that maximum particle velocity of the ground motion in any direction does not exceed the limits provided in subsection *(3)* [(2)].

[(5) Before any person may conduct any blasting operation in the manner provided in subsection (4) he shall give fifteen days' notice to the department that he will conduct blasting operations in such a manner. Once blasting operations conducted in the manner provided in subsection (4) have been begun, no blasting operation may be conducted without measurement of particle velocity by instrumentation except with fifteen days' notice to the department.]

*(7)* [(6)] Instruments for determining particle velocity as set forth in this subsection shall be limited to such specific types of devices as shall have been expressly approved by the department and the commissioner or his duly authorized agent may enter upon any premises for the purpose of conducting or supervising any necessary instrumentations provided by *this Act* [KRS 351.310 to 351.340].

*(8)* [(7)] When blasting operations are contemplated which would result in ground vibrations that would have a particle velocity in any direction in excess of 2 inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building, blasting operations may proceed after receiving written consent from the property owner or owners affected [and the commissioner].

*(9)* [(8)] When blasting operations, other than those conducted at a fixed site as a part of any industry or business operated at such site, are to be conducted within *the vicinity* [two hundred feet] of a pipeline *or public utility*, the blaster or person in charge of the blasting operations shall take due precautionary measures for the protection of the *pipeline or utility* [line], and shall *give adequate notice to* [notify] the owner [of the line] or his agent that such blasting operations are intended. *The blaster shall be subject to regulations promulgated by the department concerning such a blasting operation.*

*(10)* [(9)] Blasting operations near streams shall be prohibited in all cases where the effect of the blasting is liable to change the course or channel of any stream without first obtaining a permit from the department which has been approved by the Division of Water in the Department *for* [of] Natural Resources *and Environmental Protection.*

*(11)* [(10)] Blasting operations shall not be conducted within eight hundred feet of any public highway, unless due precautionary measures are taken to safeguard the public.

*(12)* [(11)] Mudcapping in blasting operations shall be permitted only where it would endanger the safety of the *workers* [workmen] to drill the rock or material to be blasted. If mudcapping is necessary, no more than ten pounds of explosives shall be used for each charge.

*(13) When the use of detonating cord would cause severe air blast the department may cause all trunk lines to be covered by 5 to 6 inches of loose earth.*

[(12) All trunk lines of detonating fuse may be covered, except that trunk lines of detonating fuse shall be covered if located within eight hundred feet of any public highway, dwelling house, public building, school, church, commercial or institutional building.]

*(14) In blasting operations, flying rocks shall not be allowed to fall greater than one-half the distance between the blast and a dwelling house, public building, school, church, commercial or institutional building. Protective material shall be used to insure this limit.*

*(15) When a blast is about to be fired, ample warning shall be given to allow all persons to retreat to a safe place, and care shall be taken to ascertain that all persons are in the clear. Each operator shall follow a definite plan of warning signals that can be clearly seen or heard by anyone in the blasting area. The operator shall inform all employes at the operation as to the established procedure.*

*(16) No person shall use explosives in such manner that safety to persons or property is threatened.*

Section 5. A new section of KRS Chapter 351 is created to read as follows:

(1) The department shall have the authority for promulgating regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property, and any other rules and regulations necessary to effectuate the provisions of this Act. No portion of this Act shall apply in any manner to the manufacture, transportation, sale, storage, possession, or use of:

(a) loaded ammunition for use in small arms or other weapons; or

(b) propellant powders for use in small arms or other weapons; or

(c) primers for small arms ammunition; or

(d) any other component part of small arms ammunition; or

(e) tools, equipment, or devices for the manufacture of small arms ammunition; or

(f) grades of blackpowder suitable primarily for use in firearms.

(2) To promote compatible, uniform and consistent laws and regulations concerning blasting, all local ordinances, rules and regulations concerning blasting and explosives promulgated by units of local government within the commonwealth shall be reviewed and approved, by the department, prior to implementation. Any not so approved shall be invalid. Any local ordinance, rule, or regulation in force on the effective date of this Act shall become invalid, null, and void 120 days after the effective date of this Act unless it is submitted to the department and is approved as being consistent with the provisions of this section.

(3) In order to carry out the purposes of this Act, the commissioner or his authorized representative shall have the authority:

(a) To enter without delay and advance notice any place where explosives are in use or stored or where blasting records are kept, during regular working hours and at other reasonable times in order to inspect such places, question any explosive user or seller for the purpose of ascertaining compliance or noncompliance with this Act.

(b) To administer oaths, take depositions, conduct hearings, take photographs, review any and all blasting records, and secure any other evidence deemed necessary to evaluate any safety hazard in this Act or regulations issued pursuant thereto.

(4) If an explosive user or seller refuses such entry, then the commissioner may apply to the Franklin Circuit Court for an order to enforce the right of entry.

Section 6. A new section of KRS Chapter 351 is created to read as follows:

(1) The commissioner, before revoking any license shall set the matter down for hearing, and at least twenty (20) days prior to the date set for the hearing, he shall notify the licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. Such written notice may be served by delivery of the same personally to the licensee or by mailing same by registered or certified mail, return receipt requested, to the last known business address of such licensee. The hearing on such charges shall be at such time and place as the commissioner shall prescribe.

(2) The licensee, in all hearings, shall have the opportunity to be heard in person and by counsel in reference thereto.

(3) No person shall blast once his license has been revoked by the department.

Section 7. A new section of KRS Chapter 351 is created to read as follows:

(1) If upon inspection an authorized representative of the commissioner finds that an explosive user or seller has violated any requirement of this Act, a citation shall be issued to the violater. Each citation shall describe the alleged violation, establish the time period permitted for correction by fixing a reasonable date by which the alleged violation shall be eliminated, if applicable, and propose the civil penalty to be paid. If within fifteen working days from the receipt of the citation the explosive user or seller fails to notify the commissioner that he intends to contest the citation, then the citation shall be deemed a final order and not be subject to review by any court or agency.

(2) If the explosive user or seller notifies the commissioner that he intends to challenge a citation issued under this Act, then it shall be the duty of the department or the attorney general upon the request of the commissioner, to bring an action for the recovery of the penalties provided for herein.

(3) It shall be the duty of the attorney general, upon the request of the commissioner, to bring an action for a restraining order, temporary or permanent injunction against any operator or other person violating or threatening to violate any of the provisions of this Act.

Section 8. A new section of KRS Chapter 351 is created to read as follows:

Whenever serious injury, as defined in KRS 500.080, or loss of life occurs in a blasting operation, the blaster shall immediately give notice forthwith to the department stating the particulars of the accident. To aid in making an investigation of the accident, the commissioner may compel the attendance of witnesses and administer oaths.

Section 9. A new section of KRS Chapter 351 is created to read as follows:

A record of each blast shall be kept. All records including seismograph reports shall be retained at least five years and shall be available for inspection by the department and shall contain such data as the commissioner determines.

Section 10. A new section of KRS Chapter 351 is created to read as follows:

Any person who sells, lends, or gives any explosives or blasting agents shall keep a register showing the amount sold, lent, or given, the date of the sale, loan, or gift and for what purpose it is to be used. Such person shall also be required to register with the department.

Section 11. A new section of KRS Chapter 351 is created to read as follows:

Any person who is a resident of this Commonwealth and who uses explosive materials in the conduct of business or occupation may lawfully purchase explosive materials from a seller located or residing in a state contiguous to this Commonwealth; provided, such person is properly licensed or registered under this Act.

Section 12. A new section of KRS Chapter 351 is created to read as follows:

The department may promulgate regulations restricting the sale and use of certain hazardous explosive compounds including, but not limited to, liquid nitroglycerin, fulminate of mercury, and lead azide.

Section 13. KRS 351.990 is amended to read as follows:

(1) Any commissioner of the Department of Mines and Minerals who violates any of the provisions of subsection (2) of KRS 351.020, or any of the provisions of KRS 351.070 to 351.100 or KRS 351.160 shall be fined not less than one hundred nor more than one thousand dollars.

(2) Any person who violates standards promulgated under KRS 351.070 shall be fined not less than one hundred nor more than one thousand dollars.

(3) Any person who violates any of the provisions of KRS 351.100 to 351.120 shall be fined not less than one hundred nor more than one thousand dollars.

(4) Any mine inspector who violates any of the provisions contained in KRS 351.140 or 351.150 shall be fined not less than one hundred nor more than one thousand dollars.

(5) Any operator who violates any of the provisions of KRS 351.170 shall be fined not less than one hundred nor more than one thousand dollars.

(6) Any person who violates any of the provisions of subsection (1) of KRS 351.180 shall be fined not less than one hundred nor more than one thousand dollars.

*(7) Any person who violates any of the provisions of this Act or any regulation, determination, or order issued thereunder shall be subject to a civil fine not less than twenty dollars nor more than one thousand dollars for each violation.*

[(7) Any person who violates any of the provisions of KRS 351.320 to 351.340 shall be fined not less than one hundred dollars nor more than one thousand dollars for each violation. It shall be the duty of the attorney general, upon the request of the commissioner, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of KRS 351.320 to 351.340 or violating or threatening to violate any order or determination promulgated pursuant to the provisions of KRS 351.320 to 351.340.]

(8) Any person who shall willfully violate any of the provisions of *this Act* [KRS 351.320 to 351.340,] or any *regulation* determination, or order promulgated pursuant to the sections of this *Act* [chapter] which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars.

*(9) Any person who violates any of the provisions of section 4(16) of this Act shall be guilty of a Class B misdemeanor.*

*(10) Any person who violates any of the provisions of section 6(3) of this Act shall be guilty of a Class D felony.*

Section 14. KRS 351.320, 351.340 and 433.470 are repealed.

The Committee on Banking and Insurance reported **HB 413, HB 460** with Committee Amendment attached thereto, **HB 721, HB 752, SB 112** with Committee Amendment attached thereto, **SB 169,** and **SB 191** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 413,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 304, Subtitle 17, is created to read as follows:

(1) Notwithstanding any provision in any individual health insurance policy, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed physician, osteopath, optometrist or doctor of chiropractic, the person entitled to benefits or the person performing services under such policy shall be entitled to reimbursement on an equal basis for such service, whether the service is performed by a physician, osteopath, optometrist or doctor of chiropractic duly licensed under the laws of this state.

(2) The provisions of this Act shall apply to any policy delivered, issued for delivery or renewed in this state on and after the effective date of this Act.

Section 2. A new section of KRS Chapter 304, Subtitle 18, is created to read as follows:

(1) Notwithstanding any provision of any group or blanket health insurance policy and certificate issued thereunder, whenever such policy or certificate provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed physician, osteopath, optometrist or doctor of chiropractic, the person entitled to benefits or the person performing services under such policy shall be entitled to reimbursement on an equal basis for such service, whether the service is performed by a physician, osteopath, optometrist or doctor of chiropractic duly licensed under the laws of this state.

(2) The provisions of this Act shall apply to any policy delivered, issued for delivery or renewed in this state on and after the effective date of this Act.

Section 3. A new section of KRS Chapter 304, Subtitle 32, is created to read as follows:

(1) Notwithstanding any provision of any individual or group service or indemnity type contract and any certificate issued thereunder by a nonprofit corporation, whenever such contract or certificate provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed physician, osteopath, optometrist or doctor of chiropractic, the person entitled to benefits or the person performing services under such contract shall be entitled to reimbursement on an equal basis for such service, whether the service is performed by a physician, osteopath, optometrist or doctor of chiropractic duly licensed under the laws of this state.

(2) The provisions of this Act shall apply to any contract and any certificate thereunder delivered, issued for delivery or renewed in this state on and after the effective date of this Act.

Section 4. A new section of KRS Chapter 342 is created to read as follows:

(1) Notwithstanding any provision of any policy or contract of workmen's compensation insurance under this chapter, whenever such policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed physician, osteopath, optometrist or doctor of chiropractic, the person entitled to benefits or the person performing services under such policy or contract shall be entitled to reimbursement on an equal basis for such service, whether the service is performed by a physician, osteopath, optometrist or doctor of chiropractic duly licensed under the laws of this state.

(2) The provisions of this Act shall apply to any policy or contract of workmen's compensation insurance delivered, issued for delivery or renewed in this state on and after the effective date of this Act.

**HB 460,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 5, IS CREATED TO READ AS FOLLOWS:

(1) No health insurance contracts, plans or policies delivered or issued for delivery in the state shall provide coverage for elective abortions except by an optional rider for which there must be paid an additional premium. For purposes of this section, an "elective abortion" means an abortion for any reason other than to preserve the life of the female upon whom the abortion is performed.

(2) This section shall be applicable to all contracts, plans or policies of:

(a) All health insurers subject to subtitle 17 of KRS Chapter 304; and

(b) All group and blanket health insurers subject to subtitle 18 of KRS Chapter 304; and

(c) All non-profit hospital, medical, surgical, dental and health service corporations subject to subtitle 32 of KRS Chapter 304; and

(d) All health maintenance organizations subject to subtitle 38 of KRS Chapter 304; and

(e) Any provision of medical, hospital, surgical and funeral benefits and of coverage against accidental death or injury, when such benefits or coverage are incidental to or part of other insurance described in KRS 304.5-070(1).

Section 2. KRS 304.5-040 is amended to read as follows:

"Health insurance" is insurance of human beings against bodily injury, disablement, or death by accident or accidental means, *including any injury, disablement or death resulting from negligence in rendering expert, fiduciary or professional service in the performance of or treatment for an elective abortion as defined in Section 1 of this Act, or any injury, disablement or death by accident or accidental means caused by the performance of such abortion,* or the expense thereof, or against disablement or expense resulting from sickness, *including any sickness resulting from or causing the need for an elective abortion as defined in Section 1 of this Act,* and every insurance appertaining thereto.

The Committee Amendment to **HB 460** is as follows:

Amend printed copy of House Bill 460, on page 1, by deleting lines 11 through 20

and on page 2, by deleting lines 1 through 21

**HB 721,** AN ACT relating to the registration of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) The county clerk shall require each owner of a motor vehicle required to be registered under KRS Chapter 186 to submit, as a prerequisite for registration, a signed statement of compliance with the insurance requirements of KRS Chapter 304, subtitle 39 for each motor vehicle to be registered. The statement shall certify that the owner is currently maintaining the required coverage for basic reparation benefits and tort liabilities with respect to the motor vehicle and that he will continue to maintain the coverage as long as the vehicle is registered.

(2) The statement form shall be prepared by the commissioner of insurance and shall be distributed in sufficient quantities to each county clerk in the commonwealth. The statement shall contain:

(a) The name and address of the owner;

(b) Identification of the vehicle;

(c) The name of the insurance company, the name and address of its agent or representative through whom the policy was issued, the policy number, the issuance and expiration dates, and the coverage provided;

(d) A statement that the owner understands that coverage for basic reparation benefits and tort liabilities is required by law and that failure to maintain the required coverage, or the inclusion of false or inaccurate information in the statement makes the certificate of registration and the vehicle license plate subject to surrender, and subjects the owner to the penalties provided in this Act; and

(e) Other information the commissioner of insurance may deem appropriate.

(3) Upon issuance of the registration, the county clerk shall note the registration number upon the signed statement, and shall file the statement in an appropriate manner.

(4) The county clerk shall charge a fee of fifty cents (50¢) for processing and filing each statement in addition to the fee allowed for the issuance of the registration.

SECTION 2. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 39 IS CREATED TO READ AS FOLLOWS:

(1) Each insurance company issuing policies providing basic reparation benefits and tort liabilities coverage for motor vehicles registered in Kentucky shall, at the time of issuance of the policy, furnish to the named insured a certificate of insurance.

(2) The certificate of insurance shall contain the following information:

(a) The name and address of the company issuing the policy;

(b) The name and address of the agent or company representative through whom the policy was written or delivered;

(c) The policy number, the issuance and expiration dates, and the coverage provided by the policy;

(d) The name and address of the policy holder; and

(e) A description of the motor vehicle covered by the policy.

(3) The named insured shall retain the certificate of insurance on his person, or in the insured motor vehicle, and shall, upon reasonable request, permit any law enforcement officer to inspect the certificate. Failure to have a certificate of insurance available for inspection, or having a certificate for a policy that has expired, shall be grounds for the issuance of a citation by the law enforcement officer.

Section 3. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045 (5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than $10.00 nor more than $100 for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than $10.00 nor more than $2,000 or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than $2.00 nor more than $500 or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of $100 which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the department.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

*(7) Any owner or registrant who wilfully falsifies any informtion required to be included in the statement described in Section 1 of this Act shall, upon conviction, be fined not less than twenty-five dollars ($25) nor more than two hundred and fifty dollars ($250), or confined in the county jail for not less than ten (10) days nor more than sixty (60) days, or both.*

Section 4. This Act shall become effective July 1, 1976.

**HB 752,** AN ACT relating to the payment of taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 134 IS CREATED TO READ AS FOLLOWS:

(1) The commissioner of revenue, the state treasurer and the commissioner of the executive department for finance and administration are hereby jointly empowered to accept in payment of all taxes collected by the department of revenue, evidence satisfactory to them that the amount due for the tax has been deposited in a bank of the commonwealth of Kentucky, which has been approved by the state treasurer, to the credit of the commonwealth of Kentucky. Evidence of the deposit must be furnished to the commissioner of revenue, the state treasurer and the commissioner of the executive department for finance and administration on or before the due date of the tax as established by law, and no taxpayer paying his taxes in such manner shall be relieved of any penalty for delinquency upon failure of such evidence to be promptly furnished.

(2) The commissioner of revenue, the state treasurer, and the commissioner of the executive department for finance and administration shall prescribe rules and regulations necessary to carry out the provisions of this Section.

**SB 112,** AN ACT relating to health care coverage provided by non-profit health service plan corporations and accident and health insurance companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 17 IS CREATED TO READ AS FOLLOWS:

Any policy or contract of health insurance issued in this state which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

SECTION 2. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18 IS CREATED TO READ AS FOLLOWS:

Any group insurance or blanket health insurance policy or contract issued in this state which provides coverage for services which can be lawfully perfomed within the scope of the license of a duly licensed dentist, shall provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

SECTION 3. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 32 IS CREATED TO READ AS FOLLOWS:

Any policy, contract or plan issued in this state by a nonprofit hospital, medical-surgical, dental and health service corporation which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

SECTION 4. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 38 IS CREATED TO READ AS FOLLOWS:

Any certificate, agreement or contract issued in this state by a health maintenance organization which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

The Committee Amendment to **SB 112** is as follows:

Amend printed copy of Senate Bill 112, page 1, line 6, by inserting after the word "shall" and before the word "provide" the following: be deemed to

and on page 1, line 15, by inserting after the word "shall" and before the word "provide" the following: be deemed to

and on page 2, line 6, by inserting after the word "shall" and before the word "provide" the following: be deemed to and on page 2, line 15, by inserting after the word "shall" and before the word "provide" the following: be deemed to

**SB 169,** AN ACT relating to Bank Examination fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 287.480 is amended to read as follows:

The following fees shall be paid to the commissioner of banking and securities by corporations engaged in a banking or trust business:

(1) For the investigation incident to the approval of articles of incorporation and to the approval of applications for branch banks, the fee shall be sufficient to cover the cost of the investigation based upon fair compensation for time and actual expense;

(2) For each report, a filing fee of $2.00;

(3) For each examination of the institution of other than assets held by it in a fiduciary capacity, *$0.06* [$0.04] on each $1,000 of assets, or fractional part up to $200,000,000 and $0.035 per $1,000 of assets or fractional part in excess of $200,000,000, and in addition a flat fee as follows: Institutions having assets of not more than $1,000,000, a fee of $80.00; on each institution having assets of $1,000,000 and not more than $2,000,000, a fee of $125; on each institution having assets of $2,000,000 and not more than $3,000,000, a fee of $175; on each institution having assets of $3,000,000 and not more than $5,000,000, a fee of $300; on each institution having assets of $5,000,000 and not more than $10,000,000, a fee of $500; and on each institution having assets of $10,000,000 and not more than $20,000,000, a fee of $600; on each institution having assets of $20,000,000 or more a fee of $800; and

(4) For the examination of the assets held by the institution in a fiduciary capacity, the expenses of such examination, not exceeding *$30.00* [$25.00] per day for the services of each examiner actively engaged in the examination. The commissioner shall accept examinations made of the trust department in combined banks and trust companies by examiners for the federal reserve system, federal deposit insurance corporation, or a certified public accountant, if the report of such audit or examination is furnished to him.

(5) Extraordinary services performed, in addition to examinations, for any financial institution, including institutions in liquidation under the supervision of the commissioner, shall be paid for by such institution upon the basis of fair compensation for time and actual expense.

**SB 191,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.32-210 is amended to read as follows:

The commissioner, or any person authorized by him, shall have power to examine the financial condition, affairs, and management of any corporation subject to the provisions of this subtitle. He shall have free access to all the books, papers, and documents relating to the business of the corporation, and may summon witnesses and administer oaths and affirmations in the examination of the directors, trustees, officers, agents, representatives, or employes of any corporation, or any other person in relation to its affairs, transactions, and conditions. The commissioner shall make an examination of each corporation subject to the provisions of this subtitle at least once every *four (4)* [three (3)] years. Each corporation subject to the provisions of this subtitle may own and invest or have invested any of its funds in its principal office building not to exceed an amount which would reduce its surplus, exclusive of the investment, below $50,000, unless approved by the commissioner.

The Committee on Cities reported **HB 51** with Committee Substitute attached thereto, **HB 268** with Committee Amendment attached thereto, **HB 395** with Committee Amendment attached thereto, **HB 688, HB 798, HB 802, HB 806, HB 808, HB 809, HB 812,** and **HCR 84** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 51,** AN ACT relating to cities.

WHEREAS, it is good business practice for cities to have budgets; and

WHEREAS, it is desirable that cities adopt budgets so that the citizens may be informed as to how their tax money is spent; and

WHEREAS, Section 157 of the Constitution of the Commonwealth of Kentucky provides in part "No county, city, town, taxing district, or other municipality, shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void."

WHEREAS, it is desirable that cities comply with the Constitution in letter and spirit;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 82 is created to read as follows:

(1) As used in this Act, "budget" means a detailed plan for financing a city government based on estimated income and expenditures for the following year.

(2) "Budget Officer" means the mayor or a person officially designated by the mayor or a person otherwise provided for by statute.

(3) "Committee" means Kentucky City Finance Committee as created in this Act.

Section 2. A new section of KRS Chapter 82 is created to read as follows:

(1) A five member city finance committee is hereby created. Members of the committee are:

(a) The president of Kentucky Municipal Finance Officers Association.

(b) The state auditor or his designee.

(c) The state local finance officer.

(d) Two city officials who are regularly involved in budget preparation. One official must be from a city of the second or third class. One from a city of the fourth or fifth class with a population of over 2,000 persons. The governor shall select and appoint the city officials.

(2) The Office for Local Government shall provide the necessary staff to the committee.

Section 3. A new section of KRS Chapter 82 is created to read as follows:

(1) The budget officer of each city of the second through the fifth class with a population of over 2,000 persons according to the most recent official census shall submit a budget to the governing body of the city not less than thirty days prior to the beginning of the fiscal year of the city.

(2) A budget must be prepared for at least the following fiscal year. A proposed budget must show estimates of the following:

(a) Proposed budget appropriations for each program.

(b) Income from sources other than property taxation.

(c) Amount to be raised by property taxation.

(3) A budget must show comparisons between the proposed appropriations for each activity in the following year and the actual expenditures of each activity during the two preceding years. The committee is authorized and directed to prescribe procedures for format, adoption, and amendment of the proposed budget.

Section 4. A new section of KRS Chapter 82 is created to read as follows:

(1) The budget officer shall advertise the time and place set for the budget hearing in accordance with KRS Chapter 424. At least seven days prior to the date set for the hearing, the budget officer shall provide a sufficient number of copies of the budget to meet reasonable demands of the taxpayers, and have them available for distribution at the office of the city clerk.

(2) At the hearing, any resident or taxpayer of the city may present to the council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

(3) At the budget hearing, the council may direct by resolution the budget officer to make the desired changes. After the conclusion of the hearing, the governing body may insert new items or may increase or decrease the items of the budget except that where it shall increase the total proposed expenditures it shall also increase the total anticipated revenue at least to equal such total proposed expenditures.

(4) The budget shall be adopted by ordinance by the favorable vote of at least a majority of all the members of a governing body.

Section 5. A new section of KRS Chapter 82 is created to read as follows:

(1) A budget officer may at any time transfer unencumbered appropriation balances or portion thereof between general classifications of expenditures within an office, department, or agency.

(2) At the request of the budget officer, the governing body may by ordinance transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another. Such a transfer must be prepared and adopted in the same manner as the original budget.

Section 6. A new section of KRS Chapter 82 is created to read as follows:

(1) At any time in the fiscal year, the governing body may make new appropriations or increase any appropriation to meet a pressing need. The total amount of all such increases shall not exceed the amount of unanticipated actual revenue in excess of budget estimates plus transfers from other appropriations. The governing body upon the recommendation of the budget officer may make provisions for the expenditures and receipts anticipated in the original budget for preparing and adopting an amendment in the same manner as the original budget. The amendment shall show the source and amount of anticipated receipts and specify the appropriations accounts that are to be increased thereby.

Section 7. A new section of KRS Chapter 82 is created to read as follows:

(1) No budget ordinance shall become effective until a copy of the ordinance and budget has been mailed to the city finance committee. The budget will be deemed mailed when it is placed in a sealed envelope, addressed to the city finance committee, and mailed to the committee by certified mail. The post office mailing receipt shall be retained by the budget officer as evidence of compliance with this Act.

(2) Any claim allowed by the governing body in excess of any appropriation or contract not within the budget appropriation shall be void.

Section 8. A new section of KRS Chapter 82 is created to read as follows:

(1) Any bill introduced which may have an effect on local budgets, either gain or loss, or which may cause the expenditure of local funds, shall be referred to the Legislative Research Commission for fiscal analysis before printing.

(2) The Legislative Research Commission shall determine the fiscal effects of such bill and report its findings to the chief clerk of the house of origin within two legislative days. The Department of Revenue and the Executive Department for Finance and Administration shall assist in the determination of the fiscal effects of such bill at the request of the Legislative Research Commission.

(3) The chief clerk of the house of origin will cause to have printed on the bill a summary of its fiscal effects, including the dollar amount of revenue gain or loss, or expense, the frequency of effect and the governmental unit that will bear the incidence of the effect.

(4) Bills pre-filed with the Legislative Research Commission shall have their fiscal effects, if any, determined as soon as practicable after pre-filing. A summary of the fiscal effects shall be made a part of the pre-filed bill.

Section 9. A new section of KRS Chapter 82 is created to read as follows:

A city shall not be liable for any obligation incurred not in accordance with a budget and appropriation pursuant to this Act.

The Committee Substitute to **HB 51** is as follows:

**HB 51,** AN ACT relating to cities.

WHEREAS, it is good business practice for cities to have budgets; and

WHEREAS, it is desirable that cities adopt budgets so that the citizens may be informed as to how their tax money is spent; and

WHEREAS, Section 157 of the Constitution of the Commonwealth of Kentucky provides in part "No county, city, town, taxing district, or other municipality, shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void."

WHEREAS, it is desirable that cities comply with the Constitution in letter and spirit;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

This Act shall apply to all cities of the second through fifth class with a population of over 2,000 persons according to the most recent official census.

As used in this Act:

(1) As used in this Act, "budget" means a detailed plan for financing a city government based on estimated income and expenditures for the following years.

(2) "Budget Officer" means the mayor or a person officially designated by the mayor or a person otherwise provided for by statute.

(3) "Committee" means Kentucky City Finance Committee as created in this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

(1) A five member city finance committee is hereby created. Members of the committee are:

(a) The president of Kentucky Municipal Finance Officers Association.

(b) The executive director of the Kentucky Municipal League.

(c) The state local finance officer.

(d) Two city officials who are regularly involved in budget preparation. One official shall be from a city of the second or third class. One shall be from a city of the fourth or fifth class with a population of over 2,000 persons. The governor shall select and appoint the city officials.

(e) The Office for Local Government shall provide the necessary staff to the committee.

SECTION 3. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

(1) The budget officer of each city shall submit a budget to the governing body of the city not less than thirty days prior to the beginning of the fiscal year of the city.

(2) A budget shall be prepared for at least the following fiscal year. A proposed budget shall show estimates of the following:

(a) Proposed budget appropriations for each program.

(b) Income from sources other than property taxation.

(c) Amount to be raised by property taxation.

(3) A budget shall show comparisons between the proposed appropriations for each activity in the following year and the actual expenditures of each activity during the two preceding years. The committee is authorized and directed to prescribe procedures for format, adoption, and amendment of the proposed budget.

SECTION 4. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

(1) The budget officer shall advertise the time and place set for the budget hearing in accordance with KRS Chapter 424. At least seven days prior to the date set for the hearing, the budget officer shall provide a sufficient number of copies of the budget to meet reasonable demands of the taxpayers, and have them available for distribution at the office of the city clerk.

(2) At the hearing, any resident or taxpayer of the city may present to the council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

(3) At the budget hearing, the council may direct by resolution the budget officer to make the desired changes. After the conclusion of the hearing, the governing body may insert new items or may increase or decrease the items of the budget except that where it shall increase the total proposed expenditures it shall also increase the total anticipated revenue at least to equal such total proposed expenditures.

(4) The budget shall be adopted by ordinance by the favorable vote of at least a majority of all the members of a governing body.

SECTION 5. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

(1) A budget officer may at any time transfer unencumbered appropriation balances or portion thereof between general classifications of expenditures within an office, department, or agency.

(2) At the request of the budget officer, the governing body may by ordinance transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.

SECTION 6. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

At any time in the fiscal year, the governing body may make new appropriations or increase any appropriation. The total amount of all such increases shall not exceed the amount of unanticipated actual revenue in excess of budget estimates plus transfers from other appropriations. The governing body in adopting an amendment to the original budget may upon the recommendation of the budget officer make provisions for the expenditure of unanticipated receipts. The amendment shall show the source and amount of anticipated receipts and specify the appropriations accounts that are to be increased thereby.

SECTION 7. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

(1) No budget ordinance shall become effective until a copy of the ordinance and budget has been mailed to the city finance committee. The budget will be deemed mailed when it is placed in a sealed envelope, addressed to the city finance committee, and mailed to the committee by certified mail. The post office mailing

receipt shall be retained by the budget officer as evidence of compliance with this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:
Any citizen may file an action in a court of competent jurisdiction to restrain the payment of any claim by a governing body in excess of any appropriation or upon any contract not within the budget appropriation until the governing body acts in conformance with this Act.

**HB 268,** AN ACT relating to members of police and fire departments in cities of third class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.625 is amended to read as follows:
Any member of the police or fire department of a city of the third class, *who has had service in the armed forces of the United States prior to employment with the police or fire department, and has been honorably discharged therefrom or any member of the police or fire department of a city of the third class,* who, while a member of the police or fire department entered the armed forces of the United States, and who was honorably discharged therefrom shall upon his *employment by or* return to that police or fire department be entitled to the same pension or benefits provided by KRS 95.621 to 95.629 as if the member had *served* [remained] on active duty with that police or fire department, and his time served in the armed forces shall be added to his *service or* previous service and shall be construed for purposes of eligibility for pensions or benefits, either for himself or his beneficiaries, as a part and continuation of his consecutive years of service with that police or fire department; *except this service credit should be limited to a maximum of four (4) years.* [except this section shall apply only to those members who served in World War II or any emergency conflict called by the President of the United States, who apply for reinstatement within ninety (90) days after the date on which the member first received or could have received an honorable discharge and shall not apply to those members re-enlisting in the armed forces of the United States.]

The Committee Amendment to **HB 268** is as follows:

Amend printed copy of House Bill 268, on page 1, line 16, after the word "forces" change the word "shall" to the word "may"

and on page 1, line 17, after the word "and" change the word "shall" to the word "may"

and on page 2, line 3, after the "." insert the following: "A maximum credit of four years shall be allowed and any time so credited shall be purchased by the employes at the cash value rate as determined by the actuarial firm."

**HB 395,** AN ACT relating to rental agreements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 383.715 is amended to read as follows:
[(1) The provisions of KRS 383.505 to 383.715 shall apply only to counties containing cities of the first class and urban-county governments.]
[(2)] KRS 383.505 to 383.715 shall be known and may be cited as the "Uniform Residential Landlord and Tenant Act."

The Committee Amendment to **HB 395** is as follows:

Amend printed copy of House Bill 395, on page 1, line 3, remove bracket before "(1)"

and on page 1, line 5, remove the bracket after "governments."

and on page 1, line 5, after "governments.", insert the following subsection:

"*(2) The legislative body of any city or any county may, by ordinance, make applicable the provisions of KRS 383.505 to 383.715, to that city or county.*"

and on page 1, line 6, before " [(2)]", insert "*(3)*"

**HB 688,** AN ACT relating to public works in cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 94.297 is amended to read as follows:

(1) Except as provided in KRS 94.298 and 94.299, the city legislative body, in the original ordinance providing for the making of any public improvement, shall provide that the improvement be made at the exclusive cost of the owners of benefited property, as defined in KRS 94.301, or shall have the alternative of providing that the city shall pay a specified part of the cost and the owners of benefited property shall pay the balance. *The judgment of the legislative body in this matter shall be based on an estimate of the degree to which the public improvement will benefit the owners of benefited property as related to the degree to which it will benefit the public generally or other groups specifically.*

(2) Benefited property owned by the county or any other governmental agency or unit, except a school district, shall be assessed the same as private property, and the amount of the assessment shall be paid by the county or other governmental agency or unit, as the case may be. The same right of action for collection of the assessment shall lie against the county as is provided against any other abutting property owner.

SECTION 2. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

(1) Any owner of property to be benefited by the proposed public improvement may, within thirty (30) days after passage and publication of the ordinance adopted pursuant to KRS 94.295:

(a) File an action in the circuit court of the county in which the city is situated (or, if the city be situated in more than one (1) county, in the circuit court of any such county) seeking relief by declaratory judgment, injunction, or otherwise; or

(b) File in the office of the city clerk a written, notarized statement of intent to file such an action, indorsed by a licensed attorney at law to the effect that, in his opinion, his client has a reasonable and legitimate probable cause for such proposed litigation, in which event the time for filing such action shall be extended for fifteen (15) days after the date such statement is filed.

(2) In the event of either (a) or (b), above, all proceedings of the city with respect to the proposed project shall be abated until final judicial determination of the controversies presented thereby. In the absence of action by any owner of property proposed to be benefited, as herein provided, the provisions of the ordinance shall be final and binding. After the lapse of time as herein provided, all actions by owners of properties to be benefited shall be forever barred.

Section 3. KRS 94.302 is amended to read as follows:

(1) Subject to the provisions of KRS 94.303 and 94.304, whenever the benefited property with respect to any public improvement consists of abutting real estate, the cost of the improvement, to the extent that it is to be assessed against benefited property shall be assessed and apportioned equally according to the number of front or abutting feet [.], *or shall be assessed and apportioned equally according to the number of square feet in each abutting property, or shall be assessed against the property benefited in the proportion that the assessed value, for city taxation, of each lot or parcel shall bear to the whole assessed value of the benefited properties. Where there is no such record, as in the case of public property, or property owned by religious, charitable, or educational institutions, the same (except that owned by the United States government) shall be specially assessed by the proper assessing officers, and for such special assessment reasonable compensation may be made. Any such special assessment shall be subject to all procedures for equalization and judical review as may be provided by law in connection with ordinary assessments.*

(2) Whenever the benefited property with respect to any public improvement consists of real estate within a designated benefited area, the cost of the improvement, to the extent that it is to be assessed against benefited property, shall be assessed according to the benefits received, as determined by the city legislative body.

**HB 798,** AN ACT relating to police in cities of the second class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.480 is amended to read as follows:

(1) The chief of police in cities of the second class or a policeman acting under his authority shall attend all sessions of the legislative body and the police court, execute their orders, and preserve order at their sessions. All regular policemen shall be officers of the police court. The chief of police shall collect the fees of the judge of the police court or other court exercising the powers of the police court in an urban-county government and of the mayor, if required. *The chief of police or any member of the police force shall arrest for offenses against ordinances or municipal regulations of the city, and shall have the same power of arrest for offenses against the state as a sheriff throughout the county.*

(2) The chief of police may receive the same fees, for the use of the city or urban-county government, that sheriffs are entitled to receive for like services, and have the same power to collect them.

(3) The chief of police, policemen deputized by him, and others to whom the process of the police court or some other court is directed and comes for execution shall execute and return the process within the time prescribed by law for sheriffs to execute and return similar process, and on their failure they and their sureties shall be liable to the same penalties as sheriffs. They shall be subject to similar penalties for not paying over moneys collected on execution, making illegal charges, false returns and like illegal acts.

(4) The police court or some other court may hear and determine motions against them and their sureties for failure to pay over moneys collected, as the circuit court has jurisdiction to hear and determine motions against defaulting sheriffs, or may proceed by fines and imprisonment to enforce the execution and return of process.

**HB 802,** AN ACT changing the classification of the City of Monticello, in Wayne County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Monticello, in Wayne County, is such to justify its being classified as a city of the fourth class;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The city of Monticello, in Wayne County, is transferred from the fifth class to the fourth class of cities.

**HB 806,** AN ACT relating to financing of sanitary sewers in counties in which urban county governments have been established.

WHEREAS, the general assembly of the commonwealth of Kentucky finds and determines as a legislative determination of fact that in those geographical areas of the commonwealth of Kentucky where urbanization has progressed to a high degree, attended by a profusion of residential, industrial and commercial development, the problem of water pollution, and the consequent threat to the health, safety and general welfare of the citizens living in such area is especially acute, and that in counties in which the urban county form of government, pursuant to KRS Chapter 67A, has been adopted, such urban county governments should be granted additional and alternative authority for the construction of sanitary sewage collection facilities to alleviate such problems;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

As used in this Act, the following words or terms shall have the respective meanings indicated, unless a different meaning is clearly indicated by the context:

(1) "Assessed value basis" means the plan for the levying of improvement benefit assessments upon benefited property for benefits conferred by construction of projects on the basis of the assessed values (land only) of the benefited property, whether such levies are paid in full by benefited property owners or levied annually to amortize bonds. Such plan shall also include the levying of identical improvement benefit assessments upon classified zones of benefited property where determination is made by ordinance of an urban county government, as provided in this Act, that benefits conferred by construction of a project are substantially equal and that the assessed value (land only) of all benefited property or designated zones thereof

shall therefore be deemed equal in respect of a given wastewater collection project.

(2) "Benefited property, and property to be benefited" mean the property (land only) proposed to be benefited by construction of a wastewater collection project instituted by an urban county government for the payment of the costs of which improvement benefit assessments are to be levied against and collected from such benefited property.

(3) "Bonds" mean improvement lien bonds authorized and issued by urban county governments pursuant to authority of this Act for the purpose of providing costs for the construction of wastewater collection projects.

(4) "Construction" means and includes, the following services and facilities provided by an urban county government:

(a) Preliminary planning to determine the economic and engineering feasibility of construction of wastewater collection projects, any engineering, architectural, legal, fiscal and economic investigations and studies necessary thereto, and all necessary surveys, designs, plans, working drawings, specifications, procedures and other required actions incident to the construction of wastewater collection projects;

(b) The building, acquisition, installation, erection, alteration, remodeling, improvements, expansion or extension of wastewater collection projects, and any other physical devices or appurtenances in connection with, or reasonably attendant to, such projects;

(c) The provision or making available sewer collection services to benefited property by providing sewer facilities to such benefited property although not directly financed by the issuance of bonds; and

(d) Inspection and supervision incident to the acquisition, construction and installation of wastewater collection projects.

(5) "Costs" as such term shall be applied to any wastewater collection project undertaken under this Act includes the cost of labor, materials and equipment necessary to acquire, install and complete the project in a satisfactory manner, cost of land acquired, and every expense connected with the project, including construction costs, preliminary and other surveys, financial planning, inspections of the work as construction progresses, engineers' fees and costs, preparation of plans and specifications, publication of ordinances and notices, interest which will accrue on the bonds until the due date of the first annual improvement assessment levied in connection therewith, capitalized interest on the bonds for a period not to exceed three (3) years, a sum equal to any discount in the sale of the bonds (if discount bids are authorized and permitted by the issuing government), all or any portion of the debt service reserve requirement, if determination is made to finance them from bond proceeds, a reasonable allowance for unforeseen contingencies, the printing of bonds and other costs of financing, including payment of attorneys' fees, underwriting and fiscal agency fees, trustees' fees, rating service fees and costs of issuance of bonds.

(6) "Debt service reserve requirement" means, with respect to any particular issue of bonds, the maximum annual requirements for payment of principal of and interest on the bond issue, which debt service reserve requirement shall be either funded in whole or in part by application of bond proceeds, or accrued in due course by the levying of improvement benefit assessments as provided in this Act.

(7) "Government or urban county government" means an urban county government which has been duly created and established pursuant to the provisions of KRS Chapter 67A.

(8) "Ordinance" means a formal and binding enactment of the urban county council of an urban county government entered in connection with the financing by such government of a wastewater collection project.

(9) "Public ways" shall have the same meaning as is to ascribed to such term in KRS 93.010(2) and shall include streets, boulevards, avenues, roads, lanes, alleys, parkways, courts, terraces and other courses of travel open to the general public by whatsoever name designated.

(10) "Wastewater" means any water or liquid substance containing sewage, industrial waste or other pollutants or contaminants derived from the prior use of such water or liquid substance.

(11) "Wastewater collection project or project" means all or any part of any facilities, devices, objects and systems used and useful in the collection, holding or transmission of wastewater from a benefited property to wastewater treatment plants or other similar facilities for final disposition thereof. Such terms shall include, without limiting the generality of the foregoing, sanitary sewage collection lines, intercepting sewers, outfall sewers, sewer laterals, power stations and pumping stations, and other equipment and their appurtenances necessary to enable the project to fulfill its function, including land acquisition, whether such project facilities are provided by funds derived from issuance of bonds or otherwise provided by a government in any manner.

SECTION 2. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

The general assembly of the commonwealth of Kentucky finds and determines as a fact that in urbanized areas of the commonwealth, where industrialization and commercialization have progressed at a high rate, attended by rapid residential development, there is a particular public need for acquisition of major wastewater collection projects in the interests of the health, safety and welfare of the general public residing in such areas and in order to enable metropolitan population centers to plan and develop major community-wide sewer facilities; that it is therefore essential that urban county governments be vested with alternative authority for the construction and installation of facilities for the collection of flowable liquid wastes generated by residential, commercial and industrial uses for ultimate disposition in a proper manner at the cost of benefited properties; and that such urban county governments be authorized and empowered to directly plan, develop, initiate, finance and carry out wastewater collection projects.

SECTION 3. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

Urban county governments created pursuant to KRS Chapter 67A are authorized to provide for, construct and finance wastewater collection projects according to the financing plan set forth in this Act. The authority hereby conferred upon urban county governments is not intended, nor shall it be construed, to be in derogation or substitution of any authority otherwise conferred upon any urban county government, but is alternative and in addition thereto. If any urban county government has undertaken any proceedings under any other law to acquire a project, it may abandon such proceedings and proceed under the provisions of this Act. It is the purpose of this Act to extend permissive authority to urban county government to finance wastewater collection projects according to the assessed value basis, whereby benefited properties shall be assessed the cost of such projects according to benefits conferred upon the properties.

SECTION 4. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

In undertaking the planning, design, institution, authorization and financing of wastewater collection projects under this Act, urban county governments shall be vested with exclusive authority to plan, design, initiate, finance and carry out construction of such projects solely according to the requirements and procedures of this Act, without the necessity of securing approvals, ratifications or other consents from any other municipal corporation or the county encompassing any such government or in which any such government is situated.

SECTION 5. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) Any urban county government which determines that the public health, safety and general welfare requires construction of a wastewater collection project and which proposes to undertake, authorize, construct and finance a wastewater collection project pursuant to this Act shall, by appropriate ordinance of its urban county council make such determinations and cause preliminary plans, designs, specifications and financial planning for such project to be prepared by one or more engineers, or one or more firms of engineers, licensed to do business in the commonwealth of Kentucky. Alternatively, such preliminary procedures may be accomplished directly by duly qualified government personnel. A preliminary engineering and financing report shall be prepared in writing by such engineers for submission to the government.

(2) The preliminary engineering and financing report shall, designate a geographical area in which a wastewater collection project is recommended for construction, contain a reasonable description of the project facilities proposed to be constructed, contain a statement as to benefits to be conferred by the proposed project and the distribution of such benefits and contain an estimate of the costs of the proposed project. The urban county council of such government shall receive such preliminary engineering and financing report at a regular meeting, shall thereafter study and evaluate the same, and by duly enacted ordinance either approve the preliminary engineering and financing report as submitted, disapprove such report, or amend and approve same in its sound discretion.

(3) Upon approval of the preliminary engineering and financing report, or amendment thereof and approval thereof as amended, by the urban county council of such urban county government, such council shall formally initiate proceedings for the acquisition and financing of the proposed wastewater collection project by the enactment of an ordinance to be designated as the ordinance of initiation, in which public announcement shall be made of the wastewater collection project proposed to be acquired, constructed and financed, the identification of properties proposed to be benefited by such project, which benefited properties may be identified by naming the public way upon which the benefited properties abut, if any, or by geographical location, or by metes and bounds or other appropriate description. The ordinance of initiation shall recite the nature and scope of the wastewater collection project being initiated by the government, shall give a preliminary estimate of the costs thereof, shall determine that each lot, parcel and tract of land named and identified in the ordinance of initiation as benefited property shall be afforded benefits by the project unless specifically excluded by such ordinance and shall order that a public hearing be held in respect of the proposed wastewater collection project.

(4) In all succeeding proceedings, the government shall be bound and limited by the ordinance of initiation with regard to the nature, scope and extent of the proposed wastewater collection project, but shall not be bound by or limited to the preliminary estimate of the costs of the proposed project. The costs of such project shall be determined upon the basis of construction bids publicly solicited by such urban county government as required by this Act, and shall be binding upon the government and upon the owners of benefited properties, whether they turn out to be equal to, below, or above, such preliminary estimate of costs.

(5) In the ordinance of initiation, the urban county council shall make findings of fact regarding the degree and nature of benefit which will accrue to benefited properties by the installation of the project. In the event the urban county council determines as a fact that groups of benefited properties, or all benefited properties, will be affected and benefited in substantially the same manner and to substantially the same degree, such urban county council may determine that it is appropriate to classify benefited properties into one or more assessment zones based upon the similarity of benefits to be derived by benefited properties from installation of the project, and in such case, the urban county council may deem all benefited properties within a particular assessment zone to be equally benefited and therefore equally treated for purposes of levying improvement benefit assessments to provide funds to pay the costs of the project. It is the intent of this Act to vest in the urban county council of any urban county government undertaking a project, authority to make findings of fact in order to classify properties according to benefits conferred from the construction of projects, and such urban county council may, as aforesaid, by appropriate ordinance, determine that identified groups of benefited properties will be benefited similarly by a project and shall therefore be treated equally for purposes of levying improvement benefit assessments upon such benefited properties. The urban county council may accept and rely upon any pertinent data in making such findings of fact, including, the size and diameter of sanitary sewer service connections to be made available. In the event the urban county council of the government shall determine that all properties situated within a particularly described classification or zone shall not receive substantially equal benefits from the project, the urban county council shall determine in the ordinance of initiation that such properties shall be assessed for benefits conferred based upon the relative assessed land valuation of each benefited property as it relates to the aggregate assessed land valuation of all benefited properties within such particularly described classification or zone initially, when property owners shall be afforded the opportunity to pay improvement benefit assessments on a lump sum basis, and subsequently, during each annual period when bonds issued to provide for payment of costs of the project not paid by lump sum payments shall be outstanding. Findings of fact made by any urban county council in accordance with the provisions of this section shall be entitled to a presumption of regularity and accuracy when based upon receipt of, and consideration of, factual data and information described in this section.

(6) The ordinance of initiation shall provide that a public hearing shall be held in respect of the proposed project at a time and place which shall be specified in the ordinance of initiation, and shall give notice that at the public hearing any owner of benefited property may appear and be heard as to whether the proposed project should be undertaken, whether the nature and scope of the project should be altered, and whether the project shall be financed through the assessment of benefited properties and issuance of bonds in respect of assessments not paid on a lump sum basis, all as proposed by the ordinance of initiation and as authorized by this Act.

(7) The ordinance of initiation shall be published pursuant to KRS Chapter 424, and shall designate an individual, who shall be a member of the urban county council or any government officer, to preside at the public hearing. In the absence of a designation in the ordinance of initiation, the mayor of the government shall preside at the public hearing. Notwithstanding the foregoing, the public hearing shall not be deemed irregular or improper if it is in fact presided over and conducted at the designated time and place by any official of the urban county government.

SECTION 6. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

The urban county government shall cause notice of the public hearing ordered to be held by the ordinance of initiation to be afforded to all owners of property proposed to be benefited by the project and to be assessed for the costs thereof. The notice shall be published pursuant to KRS Chapter 424, and in addition, such reasonable actual notice as is best suited to advise affected benefited property owners shall be given to owners of the benefited property using such methods as shall be determined by ordinance of the urban county government to be the most practicable in the circumstances. The notice shall advise owners of benefited property that a public hearing shall be held in respect of the project and its financing, and that assessments to pay the costs of the project are proposed to be levied against all benefited properties.

SECTION 7. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) The properties to be benefited by construction of a wastewater collection project shall consist of all real properties which are thereby afforded a means of draining wastewater from such properties, whether such real properties consist of unimproved land or contain improvements. Benefited properties shall include all real properties which are directly contiguous and abutting to any proposed sewer, lateral, main, outfall line, transmission line, interceptor, sewer easement to contain a project facility, or other project facility into which sanitary discharge and drainage of wastewater may be accomplished, whether the project sewer facility be constructed by application of the proceeds of the bonds or from funds otherwise made available by the government. Provided, however, the urban county council of the government undertaking a project may adopt reasonable rules and regulations in respect of benefited property, and may exclude real properties which the urban county council deems appropriate for exclusion because of location, size or other special circumstances.

(2) The urban county council of the government may determine, either in the ordinance of initiation or in subsequent proceedings, the necessity and desirability in the interests of the public health, safety and general welfare, that properties other than the benefited properties be permitted to connect to a wastewater collection project in future, and may make equitable provisions which may be adjustable from year to year as bonds are retired, whereby the owners of such later-connecting properties may, by paying charges for the privilege of connecting and by assuming assessment obligations, be placed as nearly as practicable on a basis of financial equity with the owners of property initially provided to be benefited and assessed.

(3) Benefited property owned by any city, county, or urban county government (or owned by the United States of America or any of its agencies, if such property is subject to assessment by Act of Congress), shall be assessed annually the same as private property, and the amount of the annual assessment shall be paid by the city, county, urban county government or united states government, as the case may be.

(4) Benefited property owned by the commonwealth of Kentucky, except property the title to which is vested in the commonwealth for the benefit of a district board of education pursuant to KRS 162.010, shall be assessed as follows: Before assessing the commonwealth, the urban county council shall serve written notice on the commissioner of the executive department for finance and administration of the commonwealth, setting forth specific details, including the estimated aggregate total amount of any improvement benefit assessment proposed to be levied against any property of the commonwealth relative to the project. Said written notice shall be served prior to the next regular session of the general assembly of Kentucky so that the amount of any specific improvement assessment may be included in the biennial budget report to be submitted to the general assembly. Payment of any assessment shall be made only from funds specifically appropriated for that assessment. If an amount sufficient to pay the total amount of an assessment has been appropriated, then the total amount shall be paid, as and when due. If an amount sufficient only to pay annual assessment has been appropriated, then only the amount of the annual assessment shall be paid. The amount of the assessment shall be certified by the commissioner of finance of the urban county government to the department for finance and administration, which shall thereupon draw a warrant upon the state treasurer payable to the government and the state treasurer shall pay the same.

(5) In the case of property the title to which is vested in the commonwealth for the benefit of a district board of education, the amount of the annual assessment shall be paid by the city, county, urban county government or other local governmental agency or authority which represents the taxing authority of such board of education.

(6) No benefited property shall be exempt from assessment, except as herein provided.

SECTION 8. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

A public hearing shall be held at the time and place designated in the ordinance of initiation. Any person qualifying under the provisions of Section 5 of this Act shall preside and conduct the hearing. The presiding officer shall cause reasonable notes or minutes of the proceedings to be made, and they shall be submitted in writing to a subsequent regularly scheduled meeting of the urban county council of the government. Any owner of property proposed to be benefited by the proposed wastewater collection project may appear and be heard at the public hearing, either in person or by a duly authorized representative. Any such owner of benefited property may submit to the presiding officer or to the designated clerk a written instrument in which such owner of benefited property is identified by name, address and designation of benefited property, and containing a statement of any reason for advocating or objecting to any of the aspects of the proposed project, and such written instruments shall be attached to and included in the written report of the hearing. Whether or not any such written instruments are submitted, the presiding officer at the public hearing may require those in attendance to execute an attendance roster, to properly identify themselves as owners of benefited property or representatives of the owners, and may impose reasonable rules upon the conduct of the public hearing. The estimated costs of the project shall be disclosed at the public hearing, or, if construction bids for construction of the project have been received, the results of the bidding shall be disclosed. A report of local health agencies may be made a part of the public hearing, and the government may cause distribution of informative materials and summarizations of engineering and health reports to be carried out at the public hearing. The public hearing may be adjourned to convene again, and from time to time either at a time and place announced at the public hearing or upon public notice of the time and place to be given in any manner the government may determine.

SECTION 9. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

At a subsequent regular meeting of the urban county council of the government, the written report of the public hearing shall be publicly received and considered by the urban county council. At the meeting, or any subsequent, properly convened, regular, adjourned or special meeting of the urban county council, prior to enactment of the ordinance of determination, owners of benefited properties may again be heard in person or by representatives. At any subsequent regular meeting, the urban county council, following receipt of facts and data determined by it to be sufficient in the premises regarding the wastewater collection project, including the report of public hearing, data submitted by local health authorities, if any, engineering information and data, statements by owners of benefited properties, and any other data deemed relevant, may adopt an ordinance, designated as the ordinance of determination, with respect to the project which may provide for either: (1) The undertaking of the project with provision for the financing thereof as previously set forth in the ordinance of initiation; (2) the abandonment of the project; or (3) The alteration of the nature and scope of the project, in which event the procedure for ordinance of initiation and public hearing shall be repeated pursuant to the provisions of this Act. The ordinance of determination shall be published as provided by KRS Chapter 424.

SECTION 10. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) Any owner of property to be benefited by the wastewater collection project may, within thirty (30) days after passage and publication of the ordinance of determination:

(a) File an action in the circuit court of the county in which the urban county government is situated seeking relief by declaratory judgment, injunction or otherwise; or

(b) File in the office of the clerk of the urban county government a written statement of intent to file such an action endorsed by a licensed attorney at law to the effect that in his opinion his client has a reasonable and legitimate probable cause for such proposed litigation, in which event the time for filing the action shall be extended for fifteen (15) days after the date the statement is filed.

(2) In the event of the occurrence of either (a) or (b) above, all proceedings of the government with respect to the proposed wastewater collection project shall be abated until final judicial determination of the controversies presented thereby. In the absence of action by any owner of property proposed to be benefited as herein provided, the provisions of the ordinance of determination shall be final and binding. After the lapse of time as herein provided, all actions by owners of properties to be benefited shall be forever barred.

SECTION 11. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

If the ordinance of determination authorizes the undertaking of the project and the financing thereof according to the plan of financing enacted by the ordinance of initiation, and if owners of benefited properties do not institute action as permitted by Section 10 of this Act, or if such action be taken and shall result in final judgment permitting the government to proceed according to the ordinance of initiation and the ordinance of determination, the urban county council of the government may proceed to implement and finance the costs of construction of the project as authorized by this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) Proposals for the construction of the project shall be solicited upon the basis of submission of sealed, competitive bids after advertisement by publication pursuant to KRS Chapter 424, following adoption of the ordinance of determination and expiration of the permissive litigation period, or alternatively, the conclusion of litigation in a manner favorable to the project.

(2) After all costs of the project have been determined upon the basis of the construction bidding, the costs shall be apportioned among the owners of benefited property pursuant to the method of assessment previously determined in the ordinance of initiation and the ordinance of determination. However, in determining the apportionment of individual costs for purposes of affording to the owners of benefited property the privilege of paying the assessment levies in full on a lump sum basis, the urban county government shall exclude amounts required for the creation of the debt service reserve fund, capitalized interest costs, and any bond discount which the government may allow in connection with the sale of bonds to provide funds for the costs of construction not paid initially by the owners of benefited properties on a lump sum basis.

(3) The owners of benefited property shall be notified in writing of the exact amount levied against their individual properties, which amount may, at the option of each owner, be paid in full on a lump sum basis within thirty (30) days. Such owners shall be notified that in the event the costs of construction of the project exceed lump sum payments and bond proceeds, an additional apportionment of costs will be made and that all owners who paid the initial improvement benefit assessment on a lump sum basis must likewise pay the additional assessment on the same basis. The statement submitted to such owners of benefited property shall additionally advise such owners that in the event such owners do not elect to pay the special improvement benefit assessment in full within the period of thirty (30) days from receipt, the urban county government shall issue bonds pursuant to this Act for the purpose of providing the cost of construction of the project, including the debt service reserve fund, if paid from bond proceeds, capitalized interest costs, any bond discount, together with all other costs, as the term is defined in this Act. The owners of the benefited property shall further be advised that bonds and the interest thereon shall be amortized by annual improvement benefit assessment levies against all benefited properties which have not made lump sum payments in accordance with the method of apportionment provided by the ordinance of initiation and the ordinance of determination.

(4) At the conclusion of the thirty (30) day permissive lump sum payment period, the urban county council shall determine the aggregate principal amount of improvement benefit assessments paid in full by

owners of benefited property; shall order the deposit of the monies in a trust account which shall be used solely to pay the costs of construction of the project; shall aggregate all unpaid improvement benefit assessments for purposes of determining the principal amount of bonds to be issued by the government to provide the costs of the project; shall compute the debt service reserve fund in respect to the bonds, if the fund is to be capitalized from bond proceeds; shall determine the bond discount and capitalized interest which shall be applicable to the issue of bonds; and shall proceed to complete the financing of the costs of construction of the project through the adoption of the ordinance of bond authorization as provided in Section 13 of this Act and the sale of bonds authorized pursuant thereto. Provided, however, that the ordinance of bond authorization may, as provided in Section 14 of this Act, provide that, in lieu of issuing bonds, the government may contract with the Kentucky pollution abatement authority for the financing of the project, in which latter event all procedures with respect to the annual assessment of benefited properties shall continue in full force and effect, but the urban county government shall secure funding for the project through the Kentucky pollution abatement authority in lieu of issuing bonds and shall pledge to and pay to the authority the annual improvement benefit assessment levies and enforce them for the security of the financing.

SECTION 13. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) Following compliance with the foregoing provisions of this Act, the urban county council of the government may adopt an ordinance known as the ordinance of bond authorization. The ordinance of bond authorization shall make provision, for the following:

(a) Determining and confirming the nature and scope of the project, the real properties to be benefited thereby (which shall be all benefited properties identified in the ordinance of initiation and the ordinance of determination, excepting properties as to which lump sum payment of improvement benefit assessment levies has been made within the statutory period), the exact method of assessment of benefited properties and the costs of the projects;

(b) Authorizing the issuance of bonds of the government from time to time which shall be designated "improvement lien bonds" and which shall additionally identify the project by reference to its name or title;

(c) Determining th principal amount of the bond issue, subject to the provisions of Section 21 of this Act;

(d) Establishing the denomination and maturity dates of the bonds, which may be term or serial maturities not to exceed thirty (30) years from date of issue, and providing for the issuance of the bonds in series, if so ordered, each such series to be equally secured on a pari passus basis by improvement benefit assessments levied on all benefited properties and by liens in respect thereto;

(e) Levying an annual improvement benefit assessment effective upon the benefited properties pursuant to the assessed value basis according to either their respective assessed land values as determined for purposes of general ad valorem taxation, or upon a basis of equality by zones, pursuant to findings of fact by the urban county council that benefited properties in particular zone classifications are to be treated equally for assessment purposes because of substantial equality of benefits conferred, such assessments to be made without regard to any constitutional or other limits otherwise applicable to taxation for general ad valorem purposes, the annual rate of such improvement assessment to be fixed when regular county ad valorem taxes are levied and to be sufficient in each year to provide for the payment of the bonds and interest coupons as they mature; and, in each year until accrual of the debt service reserve requirement, to be sufficient to provide in addition a sum equal to twenty percent (20%) of maximum annual principal and interest requirements, the same to constitute a debt service reserve fund as a precaution against possible default by reason of failures in the collection of the annual levies as hereinafter provided; provided, however, that in the event the government shall have provided that the debt service reserve requirement be financed from bond proceeds as one of the cost of the project, such additional levies to accrue, the debt service reserve requirement shall be omitted, but it shall be promptly instituted at any time in order to maintain the debt service reserve requirement at its prescribed level;

(f) Covenanting with the holders of the bonds and coupons that until the payment in full thereof the government will levy annually an improvement benefit assessment upon each benefited property, as provided in the foregoing subsection (e) hereof; provided, that the government may provide by ordinance that certain benefited properties shall be omitted from assessment during initial periods not to exceed three (3) years because of construction scheduling;

(g) Covenanting with the holders of the bonds and coupons that until payment in full thereof, the government will pursue and exhaust at the expense of the government all remedies available to the government for the benefit and protection of the bondholders, including both termination of water service to delinquent real properties and enforcement of judgment and decretal sale of the liens upon benefited properties which are granted by this Act;

(h) Designating one or more places of payment of principal and interest within or without the commonwealth;

(i) Specifying or omitting provisions for redemption and payment prior to stated maturities and the terms thereof;

(j) Providing for the payment by the government of any and all reasonable and customary charges for the services of trustees and paying agents to the end that the holders of the bonds and coupons will receive the sums therein stipulated without deduction for such charges; and

(k) Any other provisions not contrary to law. The government is expressly authorized and empowered to finance any particular project by an issue of bonds which may be sold and delivered in one or more series, each of which series is equally and indistinguishably secured, as provided in this Act, by improvement benefit assessments levied upon all benefited properties, and liens granted for the security of bondholders by this Act on benefited properties shall apply to each benefited property and in favor of every bond of each such series, whenever issued.

(2) In the discretion of the urban county council of the government, any improvement lien bonds or bond anticipation notes issued under the provisions of this Act may be secured by a trust indenture by and between the government and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth of Kentucky. The trust indenture of the government providing for the issuance of improvement lien bonds or notes may pledge or assign for the security of improvement lien bonds or notes all or any part of the totality of improvement benefit assessments levied, collected, enforced and received by the government. The trust indenture shall contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable, proper and not in violation of law, including covenants and provisions setting forth the duties of the government in relation to the purposes to which improvement lien bond proceeds may be applied; the disposition and pledging of receipts of improvement benefit assessments; and the custody, safeguarding and application of all improvement benefit assessment revenues. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository of the proceeds of bonds, notes or of government revenues, to furnish indemnity bonds or to pledge securities as may be required by the trust indenture of the government. Any trust indenture may set forth the rights and remedies of the bondholders and of the indenture trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any trust indenture may contain any other provisions as the government may determine to be reasonable and proper for the further security of the holders of the bonds. All expenses incurred in carrying out the provisions of the trust indenture shall be treated as a part of the costs of the project and shall be paid from either the proceeds of the bonds or, during the life of the bond issue, from the proceeds of improvement benefit assessments levied against and collected from, benefited properties.

(3) All bonds issued under the provisions of this Act shall have and are hereby declared to possess all of the qualities and incidences of negotiable instruments under the laws of Kentucky. The bonds may be issued in coupon or in registered form or in both, as the government may determine, and provision may be made for the registration of any coupon bonds as to principal only and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The government may sell the bonds in any manner either at public or private sale, and for any price as it may determine will best effect the purposes of this Act.

(4) Any government initiating a project pursuant to this Act shall have and possess all powers and the authority set forth in KRS 58.150.

SECTION 14. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) Following enactment of the ordinance of initiation and the ordinance of determination, any urban county government may enter into an assistance agreement with the Kentucky pollution abatement authority pursuant to the authority of KRS Chapter 224A for the purpose of financing the costs of construction of a project pursuant to this Act. The Kentucky pollution abatement authority is hereby authorized to enter into an assistance agreement with any urban county government for the purpose of providing, by the issuance of securities of the Kentucky pollution abatement authority, the costs of construction of any project instituted by any such government. Any such assistance agreement shall conform to the provisions of KRS Chapter 224A, except that repayment of a state grant made by the Kentucky pollution abatement authority to any urban county government for any project shall be made from the proceeds of annual improvement benefit assessments levied against benefited properties by the urban county government and remitted to the Kentucky pollution abatement authority as received, pursuant to KRS 224A. Provisions otherwise contained in this Act for accrual of the debt service reserve requirement may be omitted if a comparable reserve is required funded by the Kentucky pollution abatement authority which must be repaid by any government contracting with the authority from assessment levies made against benefited properties.

(2) Any urban county government may elect, following the completion of the preliminary procedures set forth in this Act, in lieu of issuing bonds, to finance the costs of construction of a project not paid by payment of assessment levies on a lump sum basis pursuant to an assistance agreement with the Kentucky pollution abatement authority and pursuant to authority of KRS Chapter 224A, in which event the ordinance of bond

authorization provided for in Section 13 of this Act shall provide for the obtaining of financing from the Kentucky pollution abatement authority in lieu of issuance of bonds, and all provisions of the ordinance of bond authorization relating to assessment of benefited properties for amortization of the costs of construction of the project shall relate to assessment of benefited properties for compliance with repayment provisions of the assistance agreement between the government and the Kentucky pollution abatement authority. In the event of such financing, proceeds secured from the Kentucky pollution abatement authority for construction of the project shall be treated, as provided in KRS Chapter 224A, and upon effectuation of the financing, all lump sum improvement benefit assessment payments shall be paid over to the Kentucky pollution abatement authority or its designee for application to the payment of costs of construction of the project. All security and enforcement provisions of this Act shall apply in full to financing pursuant to either issuance of bonds or through the Kentucky pollution abatement authority.

SECTION 15. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

When any bonds are delivered and the proceeds are received by the government, they shall be deposited in a bank or trust company or combined bank and trust company, and to the extent the deposit may exceed insurance provided by federal deposit insurance corporation, the same shall be secured by a valid pledge of direct bonds or notes of the United States government or bonds or notes fully guaranteed thereby having at all times a market value equal to the undisbursed balance of such deposit; or shall be secured in any other manner as the urban county council may approve. Costs of the project shall be paid from the proceeds of the bonds pursuant to such regulations and requirements as shall be determined by the government and incorporated into the ordinance of bond authorization. There shall be set aside into the sinking fund hereinafter created a sum from bond proceeds equal to all interest which will accrue on the bonds until the date when the first improvement benefit assessment levied in connection therewith will become due and payable, together with such further sum as may be provided in the ordinance of bond authorization, not to exceed, interest on the bonds for a period of three (3) years. If provided in the ordinance of bond authorization, all or any portion of the debt service reserve requirement shall be set aside into the debt service reserve fund. If after completion, acceptance and payment of the work of all contractors and the payment of all costs of the project there shall remain an unexpended balance of bond proceeds, the balance shall be transferred to the sinking fund created and maintained in connection with the project as provided by this Act.

SECTION 16. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

Each of the bonds shall bear on its face the statement that it has been issued under the provisions of this Act and that it does not constitute an indebtedness of the government within the meaning of the constitution of Kentucky. The bonds and the receipt of interest thereon shall not be subject to taxation. The bonds and the interest thereon shall be payable solely and only from the proceeds of the annual improvement benefit assessments levied by the government from time to time upon the properties benefited by the project identified in the bonds and from the debt service reserve fund; the government shall become directly and personally liable to the bondholders for any deficiencies which may arise as a direct result of failure by the government to pursue to exhaustion and in timely fashion all remedies lawfully available in the collection of such improvement assessments.

SECTION 17. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

The sum necessary to be raised annually for the sinking fund and consequent amortization of the outstanding bonds, whether all authorized bonds have been issued or not (together with the sum of any amounts required annually to pay trustees' fees, paying agents' fees, cost of administration of the project, and the cost of billing, collecting and enforcing improvement benefit assessments, including fees of proper governmental bodies incident to placing assessment bills on tax statements, and collecting, enforcing and remitting same), shall be levied and assessed from time to time against the benefited properties pursuant to the prior determinations made by the government in respect of benefits received. If the urban county council of the government has determined that all benefited properties within classified zones are substantially equally benefited and that all therein shall be assessed equally, the same assessment levy shall be made against each benefited property within a classified zone. In other cases, if any, the sum necessary to be raised annually for amortization of the bonds shall be levied and assessed against the benefited properties in the proportion that the assessed value of each individual lot, parcel or tract for urban county government ad valorem taxation shall bear to the whole assessed value of all the benefited properties as shown by the records upon which urban county government ad valorem taxation may from time to time be based. Where there is no such record, as in the case of public property or property owned by religious, charitable or educational institutions, the same (except that owned by the United States government) shall be specially assessed by the proper assessing officers and for such special assessment reasonable compensation shall be paid. Any such special assessment shall be subject to all procedures for equalization and judicial review as may be provided by law in connection with ordinary assessments.

SECTION 18. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

The annual improvement benefit assessment for the project shall be levied by the government against benefited properties when the levy for general urban county government taxes is made; and such improvement benefit assessment levy shall be due at the same time when general urban county government taxes are due and shall be subject to the same penalties and accrual of interest in the event of nonpayment as in the case of the general urban county government taxes. Improvement benefit assessments shall be collected by the urban county government officers charged with responsibility for the collection of ad valorem taxes and shall be enforced in like manner.

SECTION 19. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

Each annual improvement assessment, with any penalty or interest incident to the nonpayment thereof, shall constitute a lien upon the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county court clerk's office at the time of the publication of the ordinance of initiation, as provided, and thereupon shall take precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except state and county taxes, general municipal taxes, and prior improvement assessments and shall not be defeated or postponed by any private or judicial sales, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the urban county council shall exempt any benefited property from the lien for the improvement assessment, or from the payment thereof, or from the penalties or interest thereon, as herein provided. No error in the proceedings of the urban county council shall exempt any property from liability for payment of any annual improvement assessment, or for any interest or penalty incident to nonpayment thereof. The urban county council of the government shall have power to make such rules and orders as may be required to properly administer the project.

SECTION 20. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

The proceeds received by the government from each annual improvement assessment levy made in connection with the project, as authorized by this Act, shall be segregated from and kept always separate and apart from all other receipts of the government from all other sources, and shall be deposited in a separate and special account in a financial institution in an account so specially designated by number or other designation as to identify it in such manner as to distinguish the receipts and deposits from the project from the receipts and deposits from every other project, and from any other account or fund of the government. It shall constitute the "sinking fund" referred to in this Act.

SECTION 21. A NEW SECTION OF KRS SECTION 67A IS CREATED TO READ AS FOLLOWS:

All sums received and deposited in the sinking fund shall be held inviolate and applied by the government, or the trustee in respect of the bonds solely for the payment of the principal of, and interest on, the bonds issued for the financing of the identified project. The amount levied, collected and deposited in the sinking fund from initial improvement assessment levies in connection with the project, in excess of maturing principal and interest of the bonds and equal to twenty percent (20%) of maximum annual principal and interest requirements, for the purpose of creating the debt service reserve fund shall be held in the sinking fund as a special reserve for that purpose. Such excess levies shall continue annually until the debt service reserve requirement has been accrued in the debt service reserve fund in respect of all outstanding bonds; provided that the debt service reserve requirement may be funded from the proceeds of the bonds. If, at the time of any annual levy of the improvement assessment, the sum held in the sinking fund as debt service reserve fund shall exceed the debt service reserve requirement, such excess may be taken into account in fixing the rate of the improvement benefit assessment for the ensuing year; and if the amount so held in the debt service reserve fund is below the specified level, the next annual improvement assessment levy shall be increased in a corresponding manner so as to accrue the debt service reserve requirement. In making the improvement assessment levy for the year preceding the final maturity of bonds for any project, the urban county council may take into account, and make allowance for the amount held in the sinking fund of the project as the debt service reserve fund; and if in making the levy the urban county council shall miscalculate and provide funds insufficient to pay the final maturing principal and interest, the governing body shall be authorized to, and shall be required, to make a subsequent improvement assessment levy upon the benefited properties sufficient to make up the deficiency, with interest to date of payment. If the procedures required by this Act shall result in a surplus after payment and discharge of the bonds, and all interest thereon to date of payment, such surplus shall be refunded, pro rata, to the owners of benefited properties, as determined at the date the surplus is ascertained by the governing body to exist.

SECTION 22. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

If, by reason of miscalculation or the happening of unforeseen events or conditions, the proceeds of the bonds authorized by the ordinance of bond authorization should prove to be insufficient to provide for the completion of the project and the payment in full of all costs thereof, the government shall be authorized to levy pro rata an additional assessment on owners of benefited properties who have elected to make lump sum payment in full, and issue and sell additional bonds, sufficient in the aggregate to make up the deficiency, and the additional bonds shall rank on a parity as to security and source of payment with the bonds originally authorized.

SECTION 23. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

In the interests of the health, safety and welfare of the general public and for the protection of the public health, the government is authorized and empowered, by ordinance, to mandatorily require the owners of all benefited properties to cause any improvements capable of the generation of wastewater situated on such benefited properties to be connected to the facilities of the wastewater collection project. Urban county governments are authorized and empowered to covenant with the holders of bonds to order mandatory connection of all improved premises situated upon benefited properties to the facilities of a project financed pursuant to this Act.

SECTION 24. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) Any urban county government which has initiated a wastewater collection project under the provisions of this Act may enforce any ordinance enacted by such government requiring mandatory connection of improvements situated on benefited properties to project facilities and may enforce payment of annual improvement benefit assessments levied in respect of such project and enforcement of rules and regulations respecting such project by directing the company, person, agency or governmental unit providing water services to any such benefited property to discontinue and terminate water services until the time as such mandatory connection is carried out; such improvement benefits, and penalties in respect thereto, are duly paid; and such regulations and rules shall have been duly complied with and any default thereunder shall have been cured. However, no urban county government may direct discontinuance of water service to any benefited property until written notice is given to the owner of such benefited property and to the occupant of such benefited property advising that water service will be discontinued thirty (30) days following receipt of such notice, in the event the default by owner of occupant giving rise to the right of water termination is not corrected during such thirty (30) day period.

(2) Water suppliers shall be entitled to levy and collect from owners and occupants of such benefited properties a reasonable fee for termination and discontinuance and for reinstitution of water services.

(3) It shall be lawful for urban county governments initiating wastewater collection projects to covenant and agree with the holders of bonds that such government shall enforce collection of assessments, mandatory connection of property to project facilities and compliance with proper rules and regulations by requiring termination of water services as in this section provided.

(4) Notwithstanding the provisions of this Act, urban county governments initiating projects pursuant to this Act shall have and possess all powers and rights granted to cities and sewer bodies by KRS 96.930 to KRS 96.943, inclusive.

SECTION 25. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

The provisions of this Act are severable, and if any provision of this Act, or the application of any such provision under certain circumstances, shall be held to be invalid, the invalidity of such provision shall not affect any other provision of this Act, or the application thereof under different circumstances.

SECTION 26. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

By the adoption of this Act, the general assembly is taking action which is necessary and essential in the interests of the preservation of the health, safety and welfare of the state and its inhabitants. This Act shall be liberally construed to effectuate the purposes thereof as set forth in this Act.

SECTION 27. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

If an urban county government has taken any steps under this Act to provide for, construct or finance any project, and for any reason the project cannot be completed according to the provisions of this Act, the government shall return all improvement benefit assessments paid in full by owners of benefited property on a lump sum basis to the owners thereof. Any interest earned on such prepayments shall be applied by the government to the payment of any costs resulting from effort to carry out the project, and any remainder shall be returned, pro rata, to such owners of benefited property. Thereafter, such urban county government may proceed to finance and construct the project in any other manner authorized by law.

Section 28. Whereas, the continued incidence of water pollution and the lack of proper wastewater collection facilities is causing irreparable harm and damage and is impeding the efforts of urban county governments to provide proper sanitary sewer facilities, and because of the health hazards created by such situation, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

**HB 808,** AN ACT relating to law enforcement.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

(1) "Local unit of government" means any city or county, or any combination of cities and counties, of the commonwealth.

(2) "Police officer" means a full-time member of a lawfully organized police department of county or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, *and any full-time arson investigator of a lawfully organized fire department of a city of the first class who is responsible for the prevention and detection of the crime of arson,* but does not include Kentucky state police, any elected officer, sheriff, deputy sheriff, constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer or any other peace officer not specifically authorized in KRS 15.410 to 15.510.

**HB 809,** AN ACT relating to the compensation of mayors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 82 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of law to the contrary, the compensation paid to the mayor of a city with a population of 15,000 or more shall be fixed by the legislative body of the city, prior to the election of the mayor, and the compensation of any such mayor shall not be reduced during his term of office.

**HB 812,** AN ACT relating to the merger of police and fire departments in cities of the fourth and fifth class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

The legislative body of any city of the fourth or fifth class may unify and merge all or any portion of the duties and responsibilities of the police department and the fire department and their officers into a single department. This authority is granted notwithstanding any existing statutes applicable only to a police department and its officers or to a fire department and its officers. The provisions of KRS Chapter 95 relating jointly to police and firemen, including but not limited to appointment, discipline and retirement, shall continue to apply.

**HR 84,** A CONCURRENT RESOLUTION relating to annexation in counties containing both a city of the second and third class.

WHEREAS, the General Assembly of the Commonwealth of Kentucky during the 1968 session approved and classified the city of Edgewood, Kentucky as a fourth class city by House Bill 13, Chapter 5, Kentucky Acts, effective June 13, 1968, (KRS 81.010); and

WHEREAS, the City of Covington, Kentucky, a municipal corporation, created by the state is presently engaged in suits attempting to annex a large portion of the territory comprising the City of Edgewood, Kentucky in consolidated cases number 9921, 9922, 9929 and 9949 in the Kenton Circuit Court, Twelfth Division, Sixteenth Judicial District of Kentucky; and

WHEREAS, if Covington were to prevail in these suits the purposes and intent of the legislature in classifying Edgewood, Kentucky as a fourth class city would be frustrated in that Edgewood would no longer have sufficient population to be a fourth class city.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That in declaring Edgewood to be a city of the fourth class the legislature conclusively found all of the territory comprising the present city of Edgewood to be a part thereof and that this finding is binding upon the courts of this state and that classification by the legislature precludes the city of Covington from maintaining its present suits and that in any county containing both a second and a third class city no city shall annex or attempt to annex or maintain any legal action to annex any part of another city that the legislature has used in classifying the city of which a part is being attempted to be annexed.

The Committee on Education reported **HB 745, HB 816, HB 818, SB 78, SB 89** with Committee Amendment attached thereto, and **SB 276** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 745,** AN ACT relating to school boards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 160.210 is amended to read as follows:

(1) In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.

(2) The board of education of each county school district shall, not later than July 1, *1976* [1940], divide its district into five (5) divisions, *except as provided in subsection (3),* as nearly equal in *registered voters* [population] and containing integral voting precincts insofar as is practicable. In first dividing the county district into divisions the board shall, if more than one (1) of its members reside in one (1) division, determine by lot which member from that division shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall be nominated and elected as provided in KRS 160.200, 160.220 to 160.250.

(3) [No change shall be made in the boundary lines of the present division of the county school district until January 1, 1959, except in case of merger of districts or change in territory due to annexation.] Any changes made in division boundary lines shall be such as will make divisions as nearly equal in *registered voters* [population] and containing integral voting precincts insofar as is practical. No change may be made in division boundary lines more frequently than five (5) years after the last change in any division lines, except in case of merger of districts a change in territory due to annexation. In counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished, there shall be seven (7) divisions. To be eligible to be elected from a division, a candidate must reside in that division. [The divisions, based upon 1970 United States Census Bureau Reports on total population by census tracts for Jefferson County, Kentucky shall be as follows: Division One shall include census tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84, 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106, 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118, 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01, 111, 112, 115, 116, 117.03, 131, 132.] The terms of the members to be elected, KRS 160.044 not withstanding, shall be four years and the election for the initial four year terms shall be as follows: The election of the members from Divisions Two, Four and Seven shall be held at the next regular November election following the effective date of the merger pursuant to KRS 160.041, and the election of the members from Divisions One, Three, Five and Six shall be held at the regular November election two (2) years thereafter. A record of all changes in division lines shall be kept in the office of the county board of education, and shall be published pursuant to KRS chapter 424. A copy of the newspaper in which the notice is published shall be filed with the superintendent of public instruction within ten (10) days following its publication. No change shall be made in the boundary of any division after January 1 prior to the date on which a member of the school board is to be elected from any division.

(4) (a) Notwithstanding the provisions of subsection (3) of this section, if one hundred (100) residents of a county school district division petition the state board of education stating that the school district divisions are not divided as nearly equal in *registered voters* [population] as can reasonably be expected, the superintendent of public instruction shall cause an investigation to determine the validity of the petition, said investigation to be completed within thirty (30) days after receipt of the petition.

(b) If the investigation reveals the school district to be unequally divided according to *registered voters* [population], the state board of education, upon the recommendation of the superintendent of public instruction, shall order the local board of education to make such changes in school district divisions as are necessary to equalize *registered voters* [population] within the five (5) school divisions.

(c) If any board fails to comply with the order of the state board of education within thirty (30) days or prior to August 1 in any year in which any members of the board are to be elected, members shall be elected from the district at large until the order of the state board of education has been complied with.

(d) No change shall be made in the boundary of any division under the provisions of this subsection after August 1 in the year in which a member of the school board is to be elected from any division.

**HB 816,** AN ACT relating to the State Commission for Postsecondary Education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Commission" means the state commission for postsecondary education; and

(2) "Postsecondary education" means education, training, or retraining which is designed to prepare individuals for gainful employment or to prepare individuals for enrollment in advance technical education programs, excluding any program generally considered as professional or which leads to a baccalaureate or other advanced degree.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

There is established the state commission for postsecondary education. The commission shall be a planning and recommending agency for postsecondary education in Kentucky and may apply for funding under appropriate federal acts, as well as to the state, in order to carry out its purposes.

SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

The principal duties of the commission shall be to comply with the requirements of Public Law 92-318, cited as the Education Amendments of 1972; review the overall needs of postsecondary education in the Commonwealth; and to develop comprehensive plans which meet those needs. The commission shall transmit such plans to the governor, the Legislative Research Commission, and any affected agency at least six months prior to the beginning of any regular session of the general assembly.

SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) The membership of the commission shall consist of:

(a) The executive director of the council on public higher education (ex officio);

(b) The vice president of the community college system, University of Kentucky (ex officio);

(c) The state superintendent of public instruction (ex officio);

(d) The assistant superintendent of public instruction, bureau of vocational education, department of education (ex officio);

(e) The chairman of the state board of education (ex officio);

(f) The chairman of the state advisory council for vocational education and manpower training and development (ex officio);

(g) The commissioner of the bureau for manpower services, department for human resources (ex officio);

(h) One member representative of the council of independent Kentucky colleges and universities;

(i) One member representative of the state university system;

(j) One member representative of proprietary schools; and

(k) Five members representative of labor, business, industry and the general public.

(2) All members of the commission shall be voting members. The members, other than ex-officio members, shall be appointed by the governor and shall serve terms of four years, except that the original appointments made under executive order 75-936 shall remain so appointed until the expiration of their terms.

(3) The commission shall elect a chairman annually from its membership, and may appoint a director and such staff as is needed pursuant to state laws and regulations.

(4) The members of the commission shall serve without pay, but shall be reimbursed for their actual and necessary traveling and other expenses incurred while attending meetings of the commission or while serving in the capacity as a representative of the commission. The expenses of the members of state agencies, boards, or institutions shall be paid by the state in the same manner as their other traveling expenses are paid.

(5) The commission shall meet at least four times each year and at such times and places as it determines by resolution. Special meetings may be called by the chairman.

SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

All agencies and institutions of the state shall cooperate with the commission and furnish such information and assistance as it may require in the performance of its duties.

**HB 818,** AN ACT relating to conduct of schools.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations designed to insure proper procedures relating to school photography and high school annual or year book production. Such regulations shall include, but not be limited to, action on the following practices:

(1) Payment of commissions for any photographs made within the public schools, with such payment limited to no more than fifteen percent (15%) of the charge for all photographs made;

(2) Elimination of any practices under which students may be required to have pictures made by an exclusive agent for the purpose commonly known as "senior pictures", with provisions for students to be permitted to have pictures made by any photographer or any studio of their choice provided the photographs meet specifications for the school annual or year book for which they are made;

(3) Elimination of photographic practices by agents outside the school in matters pertaining to school annual or year book pictures of school activities, groups, athletic activities, and related events, with provisions for such photography to be conducted by members of the student body involved in the production of such annual or year book; and

(4) Elimination of practices involving provision of cameras, film, and related materials and equipment by agents outside the school which may in any way be considered as gratuities.

**SB 78,** AN ACT relating to elementary and secondary education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 158 is created to read as follows:

(1) School districts shall not charge pupils fees for instructional classes at elementary and secondary educational levels except where the fees are required to purchase materials which become the personal property of the pupil.

(2) The Kentucky Department of Education shall make such reasonable rules and regulations as deemed necessary to further the purposes of this section.

(3) The funds appropriated for purposes of this Act shall not be used by school districts for any purpose other than that stated in subsection (1) of this section.

**SB 89,** AN ACT relating to textbooks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 156.447 is amended to read as follows:

(1) The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, may authorize school districts to select and use *supplementary* textbooks [and], *print and audio-visual media*

materials *and audio-visual equipment* other than those selected and listed by the State Textbook Commission and adopted by adoption units. [For the purpose of purchasing such textbooks and materials the Superintendent of Public Instruction shall make available to all school districts an amount of money equal to that which would have been provided to the districts had they adopted a text selected and listed by the State Textbook Commission. However, in no case shall the amount of funds thus made available exceed one-fifth of the total funds for textbooks and materials made available to the district by the Superintendent of Public Instruction.]

*(2) Pending General Assembly appropriation, the Superintendent of Public Instruction, subject to the approval of the State Board of Education and in accordance with documented district needs, shall make available each year a percentage of the elementary school textbook appropriation and a percentage of the high school textbook appropriation for the optional purchase of supplementary textbooks, print and non-print media materials and audio-visual equipment needed to utilize the audio-visual materials being purchased.*

*(3)* [(2)] Local school districts may purchase supplementary textbooks, [and] *media* materials *and audio-visual equipment* in accordance with regulations adopted by the State Board of Education upon the recommendation of the State Superintendent of Public Instruction.

Section 2. KRS 156.474 is amended to read as follows:

(1) The state board of education, upon the recommendation of the superintendent of public instruction, shall have the authority to prescribe the conditions whereby a school district may make multiple textbook adoptions for the different school subjects by grades.

(2) The state board of education, upon the recommendation of the superintendent of public instruction, shall have the authority to prescribe the rules and regulations to govern the purchase of the multiple-adopted textbooks for the school district. The superintendent of public instruction, subject to the approval of the state board of education, may purchase the textbooks from the publishers whose books have been adopted by the school district for grades kindergarten through *twelve (12)* [eight (8)] and distribute them without cost to the pupils attending the free public schools in the school district.

Section 3. KRS 157.100 is amended to read as follows:

The superintendent of public instruction, subject to the approval of the state board of education, shall purchase textbooks from the publishers whose books have been adopted by the state textbook commission *and may purchase from any publisher other related media not approved by the state textbook commission* and distribute them without cost to pupils attending grades kindergarten through *twelve (12)* [eight (8)], of the free public schools of the state, in the manner and upon the conditions set out in KRS *156.447,* 157.110 *and* [to] 157.180.

Section 4. KRS 157.110 is amended to read as follows:

*(1)* In the purchase and distribution of textbooks *for grades kindergarten through twelve (12),* the state board of education shall first furnish textbooks to the primary grades, then, if additional funds are available, to the intermediate grades, and so on, until the fund*s are* [is] exhausted. If sufficient funds are not available to furnish [all the] textbooks *for all grades* [to any grade], then the board may determine for what *grades and/or* subject [or subjects in that particular grade] textbooks shall be provided.

*(2) The state board of education, upon the recommendation of the superintendent of public instruction, shall adopt regulations whereby local school districts may be reimbursed for certain textbooks in grades nine (9) through twelve (12), whose condition would warrant their continued use.*

Section 5. Whereas, it is necessary to effect and expedite the proper administration of this legislation, particularly, as it relates to textbook purchases, an emeregency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

The Committee Amendment to **SB 89** is as follows:

Amend printed copy of Senate Bill 89, on page 4, line 11, by adding thereafter the following:

Section 5. KRS 156.405 is amended to read as follows:

(1) The state textbook commission shall consist of the superintendent of public instruction and *ten (10)* [eight (8)] appointive members. The *ten (10)* [eight (8)] members shall be appointed by the state board of education upon the recommendation of the superintendent of public instruction for terms of four (4) years with two appointments each year, *except that every fourth year there shall be four (4) appointments. No member shall be eligible to serve more than two (2) full terms consecutively.* All vacancies that occur on the state

textbook commission shall be filled in like manner for the remainder of the unexpired terms.

(2) *Eight of the* [The] appointive members of the state textbook commission shall have had not less than five (5) years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four (4) years of college training in a recognized instituion of higher education. Five (5) members of the commission shall be classroom teachers actively employed in the public schools of Kentucky as teachers in subject field or fields for which the commission will select books. Two (2) members shall be principals, supervisors, or superintendents of public schools or public school systems. One (1) member shall be a member of the faculty of a public institution of higher education engaged in teacher education. *Two (2) members shall be lay citizens.* In selecting the members of the state textbook commission the superintendent of public instruction shall give due regard to representation from rural and urban areas and both elementary and secondary levels when both educational levels are included in the subject field or fields for which adoptions are to be made. *The lay citizens shall have children in the public elementary or secondary schools at the time of appointment.*

(3) Members of the state textbook commission shall serve without remuneration except reimbursement for their actual expenses while attending commission meetings.

(4) The meetings of the state textbook commission shall be open to the public.

(5) Not later than July 15 each year the superintendent of public instruction shall call the state textbook commission into session. The members of the state textbook commission shall elect one (1) of its members as chairman and shall adopt rules and regulations for the procedure of the commission. The superintendent of public instruction shall be the secretary of the commission.

and on page 4, line 12: by deleting "Section 5" and adding in lieu thereof "Section 6."

**SB 276,** AN ACT relating to school property and buildings.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 162.070 is amended to read as follows:
The contracts for the erection of new school buildings, [and] additions and repairs to old buildings, except *additions or* repairs not exceeding *twenty-five hundred dollars ($2,500)* [one thousand dollars ($1,000)], shall be made by the board of education to the lowest and best responsible bidder complying with the terms of the letting, after advertisement for competitive bids pursuant to KRS chapter 424, but the board may reject any or all bids. All necessary specifications and drawings shall be prepared for all such work. The board shall advertise for bids on all supplies and equipment that it desires to purchase, except where the amount of the purchase does not exceed *twenty-five hundred dollars ($2,500),* [one thousand dollars ($1,000),] and shall accept the bid of the lowest and best bidder, but the board may reject any and all bids. [In independent school districts of cities of the first class and in county school districts of counties containing a city of the first class, no advertisement for bids for repairs shall be necessary unless the amount involved exceeds two thousand dollars ($2,000), and no advertisement for bids for supplies and equipment shall be necessary unless the amount involved exceeds one thousand dollars ($1,000).]

The Committee on Health and Welfare reported **HB 709** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 709,** AN ACT relating to a board and department of health in certain urban counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:
As used in this Act, unless the context otherwise requires:
(1) "Board" means the urban-county board of health.
(2) "City-county board of health" means the city, county or city-county board of health existing in the county on the effective date of this Act.

(3) "City-county department of health" means the city, county or city-county department of health existing in the county on the effective date of this Act.

(4) "Commissioner" means the commissioner of health for the urban-county health department.

(5) "County" means any county of the commonwealth containing any city with a population of over 100,000 at the time of merger creating an urban-county form of government.

(6) "Department" means the urban-county department of health as created herein and its designated agents.

(7) "Department for human resources" means the department for human resources.

(8) "Mayor" means the chief executive officer of any county containing any city with a population of over 100,000 at the time of merger creating an urban-county form of government.

(9) "Person" means any person, or domestic or foreign individual corporation, government, or governmental subdivision or agency, business, estate, trust, partnership, unincorporated association, two (2) or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

SECTION 2. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

In each county of the commonwealth containing any city with a population of over 100,000 at the time of merger creating an urban-county form of government, there is hereby established an urban-county department of health which shall be known as the "(name of city)—(name of county) urban-county department of health." The department when established shall be governed by a board which shall be a body politic and corporate, and shall be known as the "(name of city)—(name of county) urban-county board of health." The board shall have jurisdiction throughout the county, including within all municipalities of the county with respect to and in accordance with the provisions of this Act. The board may, in its corporate name, sue and be sued, contract and be contracted with, acquire real, personal and mixed property by deed, purchase, gift, devise, lease or otherwise, and mortgage, pledge, sell, convey or otherwise dispose of same. The board may make appropriate rules and regulations and do all things reasonable or necessary in order to carry out the work and to properly perform the duties intended as required under the provisions of this Act. The title to all property acquired for purposes of this Act whether real, personal and mixed, or whether acquired by deed, gift, purchase, devise, or otherwise, shall vest in the board and shall be exempt from taxation. When and after the board and department established under the provisions of this Act are organized and except as otherwise provided herein, the board and department shall succeed to and be vested with all of the functions, obligations, powers, duties and privileges now being exercised by the city-county board of health and city-county department of health, and thereupon the city-county board of health and city-county department of health shall cease to exist and all laws and amendments to any such laws, relating to and governing the city-county board of health and city-county department of health, in conflict with the provisions of this Act shall, to the extent of such conflict, stand and be repealed.

SECTION 3. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) All real, personal and mixed property belonging to the city-county board of health or city-county department of health is hereby transferred to the board and the city-county board of health or city-county department of health shall take all the necessary and proper steps to effect the legal transfer of title and possession of all such property to the board.

(2) When the board has been organized and all property transferred as provided under subsection (1) of this Section, the board may control, operate or monitor all matters within the county affecting public health including institutions established to safeguard the public health which may encompass city or county medical facilities, nursing homes, medical care of the indigent, and laboratories and clinics necessary for the promotion of public health and environmental protection and which are required or permitted under the provisions of any act of the general assembly, under any ordinances, orders and resolutions of the legislative body of the county,or under any rules or regulations promulgated by the department for human resources, or by the board.

SECTION 4. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) The board may establish schedules of fees and charges for any services rendered by the department and may recover the fees and charges for services from any person who receives the services.

(2) In establishing the schedules the board may make reasonable classifications based upon the financial ability of persons to pay and may vary the charge in accordance with such classifications but no fees or charges shall in any event exceed the approximate cost of rendering the service, including drugs, pharmaceuticals, medicines, laboratory supplies or other material used.

SECTION 5. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

In any case in which the department renders medical services to a person who is injured or suffers from a disease, after the effective date of this Act, under circumstances creating a tort liability upon some third person to pay damages therefor, the board may recover from any third person the reasonable value of the services so furnished or to be furnished and shall, as to this right, be subrogated to any right or claim that the injured or diseased person, his guardian, personal representative, estate, dependents, or survivors has against such third person to the extent of the reasonable value of the services so furnished or to be furnished. The commissioner may also require the injured or diseased person, his guardian, personal representative, estate, dependents or survivors, as appropriate, to assign his claim or cause of action against the third person to the extent of that right or claim.

SECTION 6. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) The board shall be composed of nine (9) members, one (1) of whom shall be an ex officio member and the mayor of the urban-county government, one (1) of whom shall be an ex officio member and a member of the urban-county government legislative body and appointed by the mayor, and seven (7) of whom shall be appointed by the mayor with the approval of the urban-county government legislative body. Of the seven (7) appointed members, three (3) shall be licensed and practicing physicians, one (1) a licensed and practicing dentists, one (1) a licensed and practicing registered nurse, and two (2) members at large. Appointment of the physician, dentist and nurse shall be made from a list of three (3) nominees submitted by any of the respective county professional societies for which a vacancy exists. All appointed members shall reside in the county of the board to which they are appointed and shall be eligible for reappointment.

(2) Of the original appointments to fill the seven (7) appointed positions on the board, the mayor shall, within thirty (30) days of the effective date of this Act, appoint three (3) members for a term expiring June 30, 1978, and four (4) members for a term expiring June 30, 1979. All seven (7) original appointees shall be appointive members serving on the city-county board of health on the effective date of this Act.

(3) At the expiration of the terms of office of the seven (7) original appointees, the successor to each such member shall be appointed in the manner prescribed under the provisions of subsection (1) of this section for a term of office of two (2) years and until his successor is appointed and qualified.

(4) All vacancies occurring on the board by reason of death, resignation, disqualification, removal or otherwise, shall be filled for the unexpired term in the manner prescribed under the provisions of subsection (1) of this section.

SECTION 7. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) The board shall elect from among its members a chairman who shall serve for a one (1) year term and be eligible for re-election. The chairman of the city-county board of health on the effective date of this Act shall serve the remainder of his term or for a period of one (1) year. A quorum for all meetings of the board shall consist of a majority of the members of the board except that for the selection or dismissal of the commissioner, the adoption of the annual budget and the adoption or amendment of regulations a quorum shall consist of not fewer than seven (7) of the nine (9) members of the board. All official action by the board shall be by a vote of a majority of all board members present.

(2) The board for administrative purposes, may create such committees and offices as it deems necessary, adopt any and all necessary and appropriate rules and regulations for the conduct of its business and for carrying out the provisions of this Act and shall keep a record of its resolutions, transactions, findings and determinations which record shall be a public record. The board shall hold at least one (1) regular meeting in each month and such other meetings upon call of the chairman of the board as may be necessary.

SECTION 8. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

A citizens' advisory council shall be established to advise the board, the commissioner, and his staff on matters relating to program, activities, and performance of the department. The council shall be composed of at least ten (10) and not more than twenty (20) members who shall be appointed by the board for a term of office of two (2) years. The original appointments to the council shall include the reappointment of all members serving on such a city-county citizen's advisory council on the effective date of this Act. All members shall reside in the county of the council to which they are appointed, and shall be eligible for reappointment. Members of health related professions may be appointed to serve on the council but shall not constitute a majority of the membership of the council. The board shall appoint a member of the board to serve on the council as an ex officio member. All vacancies on the council shall be filled for the unexpired term in the same manner as the original appointments. The council shall adopt by-laws which shall govern its operation.

SECTION 9. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) The board shall appoint a commissioner for the department with the qualifications specified and subject to the provisions set forth under subsection (3) of this section.

(2) The board shall hear and decide appeals from rulings, decisions, and actions of the department or commissioner, where the aggrieved party makes a written request to the board within thirty (30) days after the ruling, decision, or action complained of.

(3) The commissioner shall be a physician, qualified by training in public health, preventive medicine and public administration and duly qualified and licensed or eligible for a license as a medical practitioner in the commonwealth of Kentucky. He shall receive an annual salary as prescribed by the board subject to the provisions of the department's merit system, payable as other salaries are paid, and shall serve at the pleasure of the board. If the commissioner is removed by the board he shall be notified in writing. Before his removal shall become effective, the commissioner shall have fourteen (14) calendar days within which to make a written request for a hearing. The board shall not be required to hold a hearing unless so requested by the commissioner. If no such request is made the removal shall become effective upon the expiration of the fourteen (14) day period. If a request for a hearing is made the hearing shall be held at the office of the board within fourteen (14) calendar days after the request is received by the board. The commissioner shall not be removed until after a hearing has been held if requested and a decision rendered by the board. The board's decision shall be final.

(4) The commissioner shall devote his entire time to the duties of his office, which shall include teaching, research, service and administrative duties, and shall not engage in the private practice of medicine. He shall serve as secretary to the board and keep full minutes of the proceedings of the board. The commissioner shall be the chief administrative officer of the department. The commissioner may employ and fix the compensation of, by contract or otherwise, all medical, technical, clerical, professional, and other employes necessary for the maintenance and operation of the department in accordance with the merit system as established by the board.

SECTION 10. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) The board shall establish the compensation plan for all employes of the department, and such compensation shall be as nearly comparable as practicable with the compensation paid to and received by employes in comparable agencies.

(2) The employes of the department shall be employed and governed in accordance with a merit system. The board shall provide for the recruitment, examination, appointment, promotion, transfer, layoff, removal, discipline, compensation, and welfare of the department's employes by establishing a system of personnel administration based on merit principles and scientific methods whereby the rules and regulations of such system shall not be less stringent than those of the merit system of the department for human resources. Such system shall include a personnel board of five (5) members appointed by the board for two (2) year terms. The board shall select as members of the personnel board public spirited citizens of recognized experience in the improvement of public administration and in the impartial selection of efficient public personnel. The personnel board shall be responsible for establishing rules and regulations for the purpose of governing the administration of the personnel system. The commissioner shall function as appointing authority in and with respect to the personnel matters of the board. The board shall have one (1) year from the effective date of this Act to implement such a system.

(3) Notwithstanding the provisions of KRS 61.510 to KRS 61.700 and KRS 78.510 to 78.991, on the effective date of this Act, all regular full-time present and future public health employes of the department shall be included within the provisions of the state retirement system.

(4) When the board is qualified and organized as herein provided, all city-county department of health employes at that time shall be transferred to and continued in the service of the department created under the provisions of this Act. Provided, however, that any and all of such employes who at that time are in the classified service of the city-county department of health shall be continued in the classified service of the department with the same status they have had in the classified service of the city-county department of health.

SECTION 11. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

The board shall not incur nor permit the incurrence of any indebtedness, in any manner or for any purpose, in an amount exceeding, in any fiscal year of the board, the income and revenue provided for such year through the appropriation provided for in Section 13 of this Act or under any other provision of this Act and funds derived from any other sources, without the assent to two-thirds (2/3) of the voters in such county, voting at an election called and held for that purpose in accordance with the provision of KRS 66.120 and KRS 66.130. Any indebtedness contracted in violation shall be void and the county shall not be liable therefor.

SECTION 12. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

All work performed or supplies or materials purchased in carrying out the provisions of this Act when involving an expenditure of two thousand five hundred dollars ($2,500) or more, shall be by contract awarded to the lowest and best bidder after advertisement by publication pursuant to KRS Chapter 424. All bids or parts of bids, for any such work or supplies may be rejected by the board. The board, however, may itself do or cause to be done, any part of its work under such conditions as it may prescribe by day labor. The commissioner may act on the behalf of the board in such matters.

SECTION 13. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO READ AS FOLLOWS:

(1) In order to provide sufficient funds for carrying out the provisions of this Act, the department shall be entitled to the same state aid as is provided for county and district health departments under KRS 212.120, upon notice of the establishment of the department being given to the department for human resources as provided in KRS 212.120, the legislative intent being hereby declared to be that funding from the department for human resources be continued at least at the same level and proportion after the effective date of this Act as before its implementation and that modification or alteration of the annual allotment not be made unless for causes enumerated under the provisions of KRS 212.120.

(2) In the event the sums derived from the appropriations, together with funds otherwise available from any other source to the board during any fiscal year, for its necessary expenditures in the maintenance and operation of the board, exceed its need for such expenditures during such fiscal year, any such unexpended funds at the end of the fiscal year shall be carried forward by the board to be used in paying for its operating costs and expenses for its ensuing year.

(3) The fiscal year of the board shall begin on July 1 of each year and shall end on June 30 of the following year.

(4) In a timely fashion governed by the requirements of the various funding sources such as the department for human resources, urban-county government and any and all other sources, the commissioner shall prepare for board approval a budget setting forth the total amounts of funds available from all sources for expenditures during the board's fiscal year, and setting forth the estimated expenditures of the board for the fiscal year.

(5) The board shall install and maintain a system of accounting and shall file an annual report of its fiscal and other operations to the department for human resources and to the legislative body of the urban-county government after the close of the board's fiscal year. The annual report shall be accompanied by such information, tables, and data as may be necessary to present a reasonably detailed report of the board's condition and activities during the preceding year.

Section 14. The provisions of this Act shall be effective on July 1, 1977.

The Committee on Public Utilities and Transportation reported **HB 292,** HB 771, with Committee Amendment attached thereto, **HB 778, HR 55** with Committee Amendment attached thereto, and **SB 96** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 292,** AN ACT relating to motor vehicle operator's licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.531 is amended to read as follows:

(1) The cost of operator's licenses, motorcycle operator's license and permits shall be as follows:

(a) The fee for any original or renewal license, including motorcycle operator's license, shall be $4.00, *except that the fee for a combination motor vehicle-motorcycle operator's license shall be $7.00*;

(b) The fee for any instruction permit shall be fifty cents plus fifty cents (50¢) for preparing and acknowledging such application;

(c) The fee for a duplicate license shall be $2.00; and

(d) The fee for a non-driver's identification card shall be $2.00.

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) One dollar and seventy-five cents ($1.75) of any original and renewal license, *except that the fee retained for a combination motor vehicle-motorcycle operator's license shall be $3.00*;

(b) Fifty cents (50¢) for issuance of any instruction permit;

(c) Fifty cents (50¢) for preparing and acknowledging an application for an instruction permit;

(d) One dollar and twenty-five ($1.25) cents for preparing and acknowledging an application for a duplicate;

(e) One dollar and twenty-five cents ($1.25) for each non-driver's identification card; and

(f) For each original, renewal, duplicate license and non-driver's identification card, fifty cents (50¢) shall be credited to a special account within the state road fund and shall be used by the department of transportation exclusively for the purpose of issuing a photo license.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the department of transportation.

(4) The photo licenses shall be in use and the procedures prescribed by KRS 186.412 and 186.413 shall be fully implemented by January 1, 1975.

**HB 771,** AN ACT relating to the sale and merchantability of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) "Dealer" shall be construed to mean any person who is a new motor vehicle dealer franchised by a manufacturer and who is required to be licensed under Chapter 190 of the Kentucky Revised Statutes.

(2) "Manufacturer" shall be construed to mean any person, resident, or non-resident, engaged in the business of manufacturing, assembling or distributing on behalf of a manufacturer of new motor vehicles.

(3) "Motor vehicle" is construed by this Act to mean a new automobile or truck purchased from a dealer and having a gross vehicle weight rating of six thousand (6,000) pounds or less which has never been the subject of a sale for use.

(4) "Purchaser price" is the actual amount paid by the owner of the motor vehicle, including the fair value of any traded motor vehicle involved in the transaction.

(5) "Owner" is the original purchaser or lessee from the original purchaser of the motor vehicle for use.

(6) "Defect" is a defective part or material installed, or improper workmanship performed, by the manufacturer of a motor vehicle, which substantially impairs the performance or operation of the motor vehicle, and costs the dealer or manufacturer more than five (5%) percent of the purchase price to repair or replace and: (a) is not repaired or replaced upon any one of the three (3) reasonably scheduled presentations of the motor vehicle to the same dealer for such repair or replacement; or (b) results in the owner being deprived of the use of the motor vehicle by reason of repair or replacement at the same dealer for a cumulative total of more than thirty (30) days; provided, however, that the inability of the dealer or manufacturer to obtain parts or effect repairs due to strike or a cause beyond the control of the dealer or manufacturer shall not be included in the calculations provided by (a) or (b) of this subsection.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If any motor vehicle within the first twelve (12) months or first twelve thousand (12,000) miles after delivery to the owner, whichever occurs first, has a defect as defined in subsection (6) of Section 1 of this Act, it shall be presumed to be non-merchantable.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The presumption of non-merchantability of a motor vehicle as provided in Section 2 of this Act may be rebutted by evidence that the defect in the motor vehicle was caused by the owner or operator other than the manufacturer, the dealer, or their agents, by an accident or by some act or condition beyond the control of the manufacturer or the dealer.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The owner of a motor vehicle shall give the manufacturer notice by certified mail, return receipt requested, with a copy to the dealer from whom the motor vehicle was purchased, within ten (10) days following establishment of the conditions recited in Section 2 of this Act containing an accurate description of the condition or conditions that render the motor vehicle non-merchantable and the owner's decision to exercise the rights provided by Section 7 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Within twenty (20) days after receipt of the notice under Section 4, the manufacturer or his representative shall either examine the motor vehicle within twenty (20) miles of the owner's home or pay for transporting the motor vehicle to a place designated by the manufacturer for examination and shall notify the owner in writing within ten (10) days after such examination that the manufacturer either: (1) finds no defect; (2) finds a defect but that such defect was caused as provided in Section 3 of this Act; (3) finds a defect but can and will promptly put the motor vehicle in merchantable condition and will agree to a four (4) month, or 4,000 miles extension of the owner's rights as to such defect under this Act; or (4) accepts the owner's determination that it is non-merchantable.

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If the manufacturer notifies the owner that the defect can be repaired or replaced and that the motor vehicle can be restored to a merchantable condition pursuant to Section 5 of this Act, the owner must deliver the motor vehicle to the manufacturer's nearest authorized dealer within three (3) days after such notification, and if the defect which rendered the motor vehicle non-merchantable remains following such repair by the manufacturer, the owner shall have the remedies provided in Section 7, subsection (1), of this Act.

Section 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) In the case of a non-merchantable motor vehicle, the manufacturer shall at its option refund the purchase price paid by the owner or shall transfer ownership of a new motor vehicle of the same make and model to the owner and deliver same to the dealer nearest the owner's residence.

(2) In the case of a motor vehicle deemed non-merchantable where the manufacturer returns the purchase price or furnishes a new motor vehicle pursuant to Section 7 (1) of this Act, the owner shall surrender and transfer free and clear of any lien or encumbrance to the manufacturer the motor vehicle at the time the replacement vehicle is delivered or the purchase price refunded.

(3) No usage tax provided by KRS 138.460 or state sales tax shall be imposed when motor vehicles are transferred pursuant to Section 7 (1) of this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If any examination or repair of a defect by a manufacturer or a dealer pursuant to this Act within the first twelve (12) months or first twelve thousand (12,000) miles, whichever occurs first, results in the owner being deprived of the use of the motor vehicle for more than ten (10) consecutive regularly scheduled working days, the manufacturer shall on the eleventh (11th) day cause to be furnished at its sole expense a motor vehicle of comparable make and model without cost to the owner for his use until the owner's motor vehicle is returned.

SECTION 9. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) No manufacturer shall exclude any warranty issued elsewhere in the sale of its motor vehicles in Kentucky as a result of the enactment of this Act.

(2) The cost of any replacement or repair and any expenses incurred by the dealer as a result of this Act shall be borne by the manufacturer and shall not be directly or indirectly passed on to the dealer.

(3) No manufacturer shall increase the price of its motor vehicles in Kentucky by more than the amount actually necessary to meet the costs incurred by this Act; provided, however, that the manufacturer shall be required to furnish the Attorney General's office with verified actuarial or other data supporting any such increase at least sixty (60) days before it is put into effect, and the Attorney General may institute an action in the Franklin Circuit Court to enjoin any increase in price not actually necessary to meet the costs incurred by this Act.

SECTION 10. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any dealer or manufacturer repairing a defect on a motor vehicle must state in writing to the owner at the time of the delivery of the motor vehicle after repair the nature of any defect repaired by such dealer or manufacturer. The statement must contain sufficient detail so that a determination can be made as to whether the owner may have any rights under this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any person who violates any provision of this Act, not otherwise prohibited by law, shall be liable for a fine not exceeding one thousand dollars ($1,000) for each violation to be collected in the name of the commonwealth.

SECTION 12. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The rights and remedies afforded owners of motor vehicles pursuant to this Act shall be in addition to other rights and remedies existing in the law.

The Committee Amendment to **HB 771** is as follows:

Amend printed copy of House Bill 771, on page 2, line 8, by deleting the words "upon any one" and inserting in lieu thereof the word "after";

and on page 2, line 10, by deleting the words "the same" and inserting in lieu thereof the word "a";

and on page 2, line 13, by deleting the words "the same" and inserting in lieu thereof the word "a";

and on page 3, line 15, by deleting "ten (10)" and inserting in lieu thereof "twenty (20)";

and on page 4, line 19, by deleting "three (3)" and inserting in lieu thereof "ten (10)";

and on page 5, line 18, by deleting the words "of a defect";

and on page 6, line 25, by deleting the words "defect on a";

and on page 6, line 26, by inserting after the word "state" the words "the nature of the repair";

and on page 7, lines 2 and 3, by deleting the words "the nature of any defect repaired by such dealer or manufacturer";

and on page 7, line 16, by inserting after the word "Act" the words "cannot be waived and";

and on page 2, line 8, by deleting the words "of the".

**HB 778,** AN ACT relating to motor vehicle registration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Applications for registration of motor vehicles owned exclusively by any non-profit volunteer fire department, volunteer fire prevention unit or volunteer fire protection unit shall be accompanied by a statement from the chief or assistant chief of the volunteer fire department or unit that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the volunteer fire department or unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and the official number plate described in KRS 186.240(3), and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents (50¢) in each instance, to be paid by the volunteer fire department or unit.

(2) After such registration of any vehicle owned exclusively by any non-profit volunteer fire department, volunteer fire prevention unit or volunteer fire protection unit and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusively by such volunteer fire department or unit except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

(3) When a motor vehicle owned exclusively by any non-profit volunteer fire department, volunteer fire prevention unit or volunteer fire protection unit is transferred or sold to another non-profit volunteer fire department, volunteer fire prevention unit or volunteer fire protection unit or another governmental unit a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.

(4) No person shall use on a motor vehicle, not exclusively owned by any non-profit volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, any license plate that has been issued for use on a motor vehicle owned by such a volunteer fire department or unit.

Section 2. KRS 186.240 is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be

registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Highway," "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the bureau of vehicle regulation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state *and of Section 1 of this Act, relating to the licensing of vehicles owned exclusively by any non-profit volunteer fire department, volunteer fire prevention unit, and volunteer fire protection unit.* A state slogan may be placed upon such plate if so desired.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1, or, in the case of commercial vehicles, trailers, semitrailer and housetrailers, not later than February 1.

(5) The department of transportation shall receive all moneys forwarded by the clerk in each county and turn same over to the state treasurer for the benefit of the state road fund. Out of this fund there shall be appropriated to the department of transportation and the bureau of vehicle regulation an amount to be expended in the manner provided by law for the administration of their functions with regard to KRS 186.020 to 186.260.

(6) The department of transportation shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(7) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

**HR 55**, A RESOLUTION directing a study of electrical utility rates in the Commonwealth of Kentucky.

WHEREAS, there has been a dramatic increase in electrical utility rates; and

WHEREAS, the combined effects of rising energy demand, fuel shortages, and inflation have created crippling hardships for the public with regard to the availability and utilization of energy supplies; and

WHEREAS, in this period of rapid change in the economic climate, it is difficult for the members of the General Assembly to exercise responsible judgment unless adequately informed in such complex areas as the regulation of electrical utility rates;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) That the Interim Committee on Public Utilities and Transportation undertake a comprehensive study to identify and evaluate reasons for rising electrical utility rates.

(2) That the Interim Committee on Public Utilities and Transportation study different methods of rate structuring.

(3) That the Interim Committee on Public Utilities and Transportation study the current practices of the Public Service Commission and the public utility companies as they pertain to the fuel adjustment charge.

(4) That the Interim Committee on Public Utilities and Transportation study the administrative practices of the Tennessee Valley Authority, particularly those relating to labor utilization and scheduling and fuel purchasing, and make relevant recommendations to the Kentucky Congressional delegation.

Section 2. The Interim Committee on Public Utilities and Transportation shall report its findings and recommendations to the Legislative Research Commission on or before August 1, 1977.

Section 3. Staff services to be utilized in completing this study are estimated to cost $20,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee Amendment to **HR 55** is as follows:

Amend printed copy of House Resolution 55, on page 2, delete lines 5 through 10 in their entirety;

and on page 2, line 16, delete "$20,000" and insert in lieu thereof "$15,000";

**SB 96,** AN ACT relating to motor vehicles and the licensing thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $11.50.

(2) The annual registration fee for each motorcycle shall be $5.00, and for each sidecar attachment, $3.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (13), shall be as follows:

| Declared Gross Weight of Vehicle | Registration and Any Towed Unit Fee |
|---|---|
| 0- 6,000 | $ 11.50 |
| 6,001-10,000 | 24.00 |
| 10,001-14,000 | 30.00 |
| 14,001-18,000 | 50.00 |
| 18,001-22,000 | 132.00 |
| 22,001-26,000 | 160.00 |
| 26,001-32,000 | 216.00 |
| 32,001-38,000 | 300.00 |
| 38,001-44,000 | 474.00 |
| 44,001-55,000 | 544.00 |
| 55,001-62,000 | 588.00 |
| 62,001-73,280 | 750.00 |
| 73,281-82,000 | 840.00 |

(4) (a) Any farmer owning a truck having a gross weight of 30,000 pounds or less may have it registered as a farmer's truck and obtain a license for $11.50. The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 30,000 pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation, and the products grown on his farm.

(b) Any farmer owning a truck having a declared gross weight in excess of 30,000 pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm, and the vehicle registered will not be operated more than fifty (50) air miles from his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the

transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six (6) inches high and of a conspicuous color and the truck or bus will be used during the next twelve (12) months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve (12) months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve (12) months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city of the first, second, third, or fourth class, or within five (5) miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent (40%) of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at a point not more than fifty (50) air miles from the point at which such coal is mined, or which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area, *or which are used exclusively for the transportation of concrete blocks or ready mixed concrete from the point at which such concrete blocks or ready mixed concrete is produced to a construction site where such concrete blocks or ready mixed concrete is to be used, where such construction site is located at a point not more than thirty (30) air miles from the point at which such concrete blocks or ready mixed concrete is produced* shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent (40%) of the fee set out in subsection (3) hereof. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full amount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths (3/4) of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county clerk a certification from the department that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the bureau's certification to the department of transportation copy of the certificate of registration and ownership.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not

include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when such vehicle is not equipped wholly with pneumatic tires.

(14) (a) The bureau of vehicle regulation is authorized to negotiate and execute an agreement or agreements with other jurisdictions for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the department shall promulgate regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.

(b) Any owner of a commercial vehicle who is required to register his motor vehicle under this section shall first register such vehicle with the county clerk pursuant to KRS 186.020 for a fee of $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. The bureau shall promulgate regulations in accordance with this section.

The Committee on State Government reported **HB 547** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on State Government reported **HB 348, HB 645, HB 759, HB 761, HB 783, HB 799, SB 259,** and **SB 329** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 348,** AN ACT relating to state legislative districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 6.031 is amended to read as follows:

The commonwealth of Kentucky is divided into representative districts as follows:

(1) First District: Ballard, Carlisle, Fulton, and Hickman Counties and that part of McCracken County contained within voting precincts New Hope—9Melber and Harper.

(2) Second District: Graves County and that part of Calloway County contained in the voting precinct of Coldwater.

(3) Third District: That part of McCracken County contained in the city of Paducah.

(4) Fourth District: Livingston County and that part of McCracken County not contained in the First District or the Third District.

(5) Fifth District: Calloway County, except the voting precinct of Coldwater, and that part of Trigg County west of Kentucky Highway 139 and including the city of Cadiz.

(6) Sixth District: Lyon and Marshall Counties and Crittenden County except for voting precincts Marion 4, Marion 6, Rosebud 11, and Shady Grove 12.

(7) Seventh District: Union County; that part of Henderson County not contained in the Eleventh District; that part of Daviess County contained in the voting precincts of Pleasure Ridge, Utica, Snyder School, West Louisville, Curdsville, St. Joseph, Rome, Sorgo, Masonville, Stanley, North Town, South Town, Fields, Habit.

(8) Eighth District: That part of Trigg County east of Kentucky Highway 139 but excluding the city of Cadiz; that part of Christian County contained within the following voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25.

(9) Ninth District: That part of Christian County contained within the following voting precincts 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32; that part of Hopkins County contained within the following voting precincts: 14, 15, 16, 17.

(10) Tenth District: Hopkins County except for voting precincts: 14, 15, 16, 17.

(11) Eleventh District: Henderson County, except for the voting precincts of South Corydon, Niagara and Hebbardsville, and that portion of the county lying south of Kentucky Highway 416, beginning at its junction with U.S. 41A and proceeding eastward to its junction with Niagara precinct.

(12) Twelfth District: Caldwell and Webster Counties; that part of Crittenden County not included in the Sixth District; that part of McLean County not contained in the Fifteenth District.

(13) Thirteenth District: That part of Daviess County contained in the city of Owensboro but excluding the following voting precincts: 4, 6, 7, 10, 11, 15, 17, 18, 19, 20, 32.

(14) Fourteenth District: That part of Daviess County not contained in the Seventh District or in the Thirteenth District.

(15) Fifteenth District: Muhlenberg County and that part of McLean County contained in voting precincts: 2, 3, 6, 8.

(16) Sixteenth District: Todd and Logan Counties.

(17) Seventeenth District: Hancock and Ohio Counties and that part of Butler County not contained within the Nineteenth District.

(18) Eighteenth District: Meade County and Breckinridge County except the voting precincts of McDaniels, Glen Dean.

(19) Nineteenth District: Edmonson and Grayson Counties; that part of Breckinridge County contained in voting precincts of McDaniels and Glen Dean; that part of Butler County included in the census county division of Jetson, bounded by Welch Creek, Blacklick School Road, State Highway 411, county line, Green River, Woodbury city limits, Green River, Welch Creek; and including the cities of Morgantown and Woodbury; and including census enumeration district No. 8, bounded by Green River, Morgantown city limits, State Highway 403, Cool Spring Church Road, unnamed road, U.S. Highway 231, Muddy Creek and county line; that part of Hart County contained in voting precincts: 3, 13, 14, 16, 17.

(20) Twentieth District: That part of Warren County containing all of the city of Bowling Green excluding the voting precincts of Reels Garage, Octogan Inn, Green Meadows and Delefield but including the voting precincts of Miller's Bottled Gas, Watts Mill and Mt. Victor.

(21) Twenty-first District: That part of Simpson County contained in the voting precincts of Harristown, Public School, West Door and Prospect Hill and that part of Warren County not contained in the Twentieth District.

(22) Twenty-second District: Allen and Monroe Counties, and that part of Simpson County not contained in the Twenty-first District.

(23) Twenty-third District: Barren County and that part of Metcalfe County containing voting precincts Randolph-Wisdom No. 3, Knob Lick No. 4, Savoyard No. 5, Summer Shade No. 8 and Willow Shade-Beaumont No. 9.

(24) Twenty-fourth District: Larue County; that part of Hart County not contained in the Nineteenth District; that part of Marion County not contained in the Fifty-fourth District.

(25) Twenty-fifth District: That part of Hardin County contained in the voting precincts of Elizabethtown East, Elizabethtown West, Elizabethtown Northeast, Elizabethtown Northwest, Elizabethtown North, Helmwood Heights, Mantle, Valley Creek, City Park, Colesburg, Tunnel Hill, Helm, Chelf, Van Meter, South Dixie, Glendale, Nolin, Sonora, Upton, Melrose and White Mills, and that part of the Fort Knox Military Reservation that lies east of a line beginning at the intersection of the southern boundary of the Fort Knox Military Reservation and State Road 447, and extends northward along State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River.

(26) Twenty-sixth District: That part of Hardin County contained in the voting precincts of Radcliff North, Radcliff South, Radcliff West, Vine Grove North, Vine Grove South, Vine Grove West, Longview, Yates, Rineyville, Howevalley, St. John, Cecilia, East View, Meeting Creek, and Long Grove and that part of the Fort Knox Military Reservation not included in the Twenty-fifth and Twenty-seventh Districts.

(27) Twenty-seventh District: That part of Hardin County not contained in the Twenty-fifth and Twenty-sixth Districts, that part of the Fort Knox Military Reservation whose southern boundary is Chaffee Avenue extended westward to the Hardin-Meade County line and eastward to State Road 447, thence northward on State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River and that part of Jefferson County contained in voting precincts C8, C18, C19, C23, C44, C53, C70 and C87 of C District of the County.

(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47, C56, C57, C58, C65, C66, C72, C73, C78, C79, C82, C90 and C91 of C District of the County.

(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C21, C30, C34, C39, C46, C50, C54, C55, C59, C60, C64, C67, C69, C71, C74, C75, C80, C81, C85, and C94 of C District of the county.

(30) Thirtieth District: That part of Jefferson County containing voting precinct 37 of the Third Ward of the city of Louisville, and voting precincts B7, B10, B13, B14, B15, B18, B19, B21, B22, B24, B38, B42, B43, B48, B54, B58, B64 and B67 of B District of the county.

(31) Thirty-first District: That part of Jefferson County containing voting precincts 16, 17, 19, 26, 29, 34, 35, 36 and 38 of the Second Ward of the city of Louisville; voting precincts A22, A36, A38, A39, A43, A50, A63 and A74 of A District of the county, and voting precincts B4, B5, B6, B9, B17, B27, B28, B35, B39, B45, B55, B56 and B68 of B District of the county.

(32) Thirty-second District: That part of Jefferson County containing voting precincts 3, 4, 5, 6, 7, 9, 10, 13, 14, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32 and 33 of the First Ward; voting precincts 1, 2, 3, 4, 5 and 6 of the Second Ward; voting precincts 1 and 2 of the Third Ward of the city of Louisville, and voting precincts A2, A5, A18, A19, A26, A29, A34, A49, A51, A60 and A73 of A District of the county.

(33) Thirty-Third District: That part of Jefferson County containing voting precincts 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 21, 23, 24, 27, 28, 30, 31, 32 and 33 of the second ward of the city of Louisville; voting precinct A 17 of A District of the county, and voting precincts B1, B2, B3, B29, B30, B31, B33, B34, B59 and B70 of B District of the county.

(34) Thirty-fourth District: That part of Jefferson County containing voting precincts 11, 12, 16, 17, and 19 of the First Ward, and voting precincts 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 and 36 of the third ward, voting precinct 11 of the fifth ward of the city of Louisville, and voting precinct B16 of B District of the county.

(35) Thirty-fifth District: That part of Jefferson County containing voting precincts 17 and 29 of the Third Ward, and voting precincts 5A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 32, and 33 of the Fourth Ward, voting precincts 10 and 13 of the Eighth Ward of the city of Louisville, and voting precincts B8, B11, B12 and B32 of B District of the county.

(36) Thirty-sixth District: That part of Jefferson County containing voting precinct 15 of the First Ward; voting precincts 13 and 16 of the Third Ward; voting precincts 21 and 23 of the Fourth Ward; voting precincts 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the Fifth Ward, voting precincts 9, 11, 12 and 14A of the Eighth Ward of the city of Louisville.

(37) Thirty-seventh District: That part of Jefferson County containing voting precinct 34 of the Fourth Ward, voting precincts 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 29 of the Sixth Ward, and voting precincts 6, 8 and 9 of the Seventh Ward, voting precinct 16 of the Eighth Ward of the city of Louisville, and voting precincts C24 and C88 of C District of the county.

(38) Thirty-eighth District: That part of Jefferson County containing voting precincts 12, 13, 15, 16, 27, 28, 30, 31, and 32 of the Sixth Ward, voting precincts 3A, 5, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the Seventh Ward of the city of Louisville.

(39) Thirty-ninth District: That part of Jefferson County containing voting precincts 1, 2 and 31 of the First Ward, voting precincts 2, 3, and 4 of the Fifth Ward, voting precinct 5 of the Sixth Ward, voting precincts 1, 2, 3, 4, 5, 6, 7, 8 and 15 of the Eighth Ward, and voting precinct 21 of the Ninth Ward, voting precincts 3, 18, 19 and 27 of the Tenth Ward of the city of Louisville.

(40) Fortieth District: That part of Jefferson County containing voting precincts 2 and 4 of the Seventh Ward, voting precincts 17, 18, 19, 20 and 21 of the Eighth Ward, voting precincts 8, 10, 11, 12, 13, 14A, 15A, 16, 17 and 18 of the Ninth Ward, and voting precincts 22, 23, 24, 25 and 26 of the Tenth Ward of the city of Louisville, and voting precincts C9, C25, C27, C35, C51, C63 and C68 of C District of the county.

(41) Forty-first District: That part of Jefferson County containing voting precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21 and 28 of the Tenth Ward, voting precincts 1, 5, 9, 18, 19, 20 and 21A of the Eleventh Ward of the city of Louisville.

(42) Forty-second District: That part of Jefferson County containing voting precincts 1, 2, 3, 4, 5, 6, 7A, 9, 19 and 20 of the Ninth Ward, voting precincts 8, 10, 11, 12, 13, 14, 15, 16 and 17 of the Eleventh Ward, and voting precincts 21, 22, 23, 24 and 25 of the Twelfth Ward of the city of Louisville.

(43) Forty-third District: That part of Jefferson County containing voting precincts 2, 3, 4, 6 and 7 of the Eleventh Ward, and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11A, 12, 13, 14, 15, 16A, 17, 18, 19 and 20 of the Twelfth Ward of the city of Louisville.

(44) Forty-fourth District: That part of Jefferson County containing voting precincts C1, C2, C3, C4, C10, C13, C15, C20, C26, C28, C29, C36, C37, C38, C41, C48, C49, C52, C62, C76, C77, C86, C92 and C93 of C District of the county.

(45) Forty-fifth District: That part of Jefferson County containing voting precincts B23, B63, and B66 of the B District of the county; voting precincts C12, C14, C16, C17, C22, C32, C42, C61, C83, C84 and C89 of C District of the county.

(46) Forty-sixth District: That part of Jefferson County containing voting precincts B20, B25, B26, B36, B37, B40, B41, B44, B46, B47, B49, B50, B51, B52, B53, B57, B60, B61, B62, B65 and B69 of B District of the county.

(47) Forty-seventh District: That part of Jefferson County containing voting precincts A4, A6, A8, A12, A13, A15, A16, A20, A21, A23, A24, A25, A27, A28, A31, A32, A33, A35, A37, A41, A42, A45, A46, A53, A58, A64, A68, A69, A71, A72, A77, A80 and A81 of A District of the county.

(48) Forty-eighth District: That part of Jefferson County containing voting precincts A1, A3, A7, A9, A10, A11, A14, A30, A40, A44, A47, A48, A52, A54, A55, A56, A57, A59, A61, A62, A65, A66, A67, A70, A75, A76, A78 and A79 of A District of the county.

(49) Forty-ninth District: Bullitt and Spencer Counties.

(50) Fiftieth District: Nelson County; that part of Washington County not contained in the Fifty-fourth District; that part of Anderson County contained in voting precincts 9, 10, 11.

(51) Fifty-first District: Green and Taylor Counties, and that part of Metcalfe County not contained in the Twenty-third District.

(52) Fifty-second District: Adair and Casey Counties and that part of Russell County not contained in the Fifty-third District.

(53) Fifty-third District: Wayne, Clinton and Cumberland Counties; that part of Russell County contained within the county census division of Eli bounded by: State Highway 80; county line, Lake Cumberland, Caney Creek, Caney Fork, Clear Fork, Dunbar Trail, Dunbar Road, West Wilson Road, State Highway 80, that part of Russell County contained within the county census division of Bryan bounded by: State Highway 92, Greasy Creek, Bethel Creek Fork, Blankenship Road, State Highway 55, Helen Road, State Highway 35, county line.

(54) Fifty-fourth District: Boyle County; that part of Marion County contained in voting precincts 1, 2, 3, 7; that part of Washington County contained in voting precincts 5, 6, 7, 8, 9, 10.

(55) Fifty-fifth District: Garrard and Mercer Counties; that part of Anderson County not contained in the Fiftieth District.

(56) Fifty-sixth District: Jessamine and Woodford Counties.

(57) Fifty-seventh District: Franklin County [except for the voting precinct of Bridgeport No. 27].

(58) Fifty-eighth District: Henry and Shelby Counties [and that part of Franklin County contained within voting precinct Bridgeport No. 27].

(59) Fifty-ninth District: Carroll, Gallatin, Oldham, and Trimble Counties.

(60) Sixtieth District: Boone County.

(61) Sixty-first District: Bracken, Grant and Owen Counties and Pendleton County except for the voting precincts of Bonar and Sandsuck.

(62) Sixty-second District: Harrison and Scott Counties.

(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crestview, Edgewood 1, 2 and 3; Elsmere 4; Erlanger 1, 2, 3, and 7; Fort Mitchell 1, 2, 3, 4, 5 and 6; Fort Wright 1, 2, 3, 4 and 5; Lakeside Park 1, 2, and 3; Park Hills 1, 2 and 3; and Sandfordtown.

(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 26, 27, 29, 30, 40, 41, 42 and 43, Decoursey, Independence 1 and 2, Morningview, Nicholson, Oakridge, Piner, Richardson, Taylor Mill 1 and 2, Visalia, Whites Tower, Winston Park.

(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 12, 14, 15, 17, 18, 19, 20, 20A, 23, 24, 25, 31, 33, 34, 35, 36, and 39.

(66) Sixty-sixth District: That part of Kenton County containing the following voting precincts: Covington 6, 7, 10, 10A and 13, Bromley, Crescent Springs, Elsmere 1, 2, and 3, Erlanger 4, 5, 6, 8 and 9, Ludlow 1, 2, 3, 4 and 5, Villa Hills 1 and 2.

(67) Sixty-seventh District: That part of Campbell County containing all of the voting precincts in the city of Newport, the city of Wilder, the city of Southgate except voting precinct Southgate B; that part of Kenton County containing voting precincts Covington 1, 3.

(68) Sixty-eighth District: That part of Campbell County containing all the voting precincts in the city of Bellevue; all the voting precincts in the city of Dayton; voting precincts A, B, C, D, E, G, L and P in the city of Fort Thomas and the voting precincts of Woodlawn, Brent, Crestview, Silver Grove, Hayfield, Carthage, Camp Springs and Melbourne.

(69) Sixty-ninth District: That part of Campbell County not contained in the Sixty-seventh and Sixty-eighth Districts; that part of Pendleton County contained in the voting precincts of Bonar and Sandsuck.

(70) Seventieth District: Mason and Robertson Counties; that part of Fleming County not in the Seventy-fourth District; that part of Rowan County contained in census enumeration district 3 bounded by Bath County line, Triplett Creek, Morehead city limits, Kentucky Highway 32, Fleming County line.

(71) Seventy-first District: Morgan and Menifee Counties; that part of Rowan County not contained in the Seventieth District; the Northern part of Wolfe County bounded by Kentucky Highway 15, Campton City limits, Kentucky Highway 746, Mountain Parkway Extension, Morgan County line, Menifee County line, Powell County line, including the city of Campton.

(72) Seventy-second District: Bourbon County and that part of Fayette County not contained in the Seventy-fifth District, the Seventy-sixth, Seventy-seventh, Seventy-eighth and Seventy-ninth Districts.

(73) Seventy-third District: Clark and Powell Counties.

(74) Seventy-fourth District: Bath, Nicholas and Montgomery Counties, and that part of Fleming County contained in census enumeration district 9 bounded by county line, Three Mile Run, State Highway 1325

(Three Mile Road), Cane Road, State Highway 1123 (Peck's Ridge Road), State Highway 57, Craintown Road, and State Highway 32 westward to county line.

(75) Seventy-fifth District: That part of Fayette County contained within the following described boundaries: Beginning at the intersection of South Broadway and Mason Headley Road; then with the center line of South Broadway in a northeastwardly direction to the intersection of South Broadway and Virginia Avenue; then in a northwestwardly direction with the western boundary of the Kentucky Trotting Horse Breeders Association property (Red Mile) to the Versailles Pike across from the intersection of Forbes Road; then in a generally northwardly direction with the center line of Forbes Road to its intersection with the Old Frankfort Pike to its intersection with Leestown Pike (West Main Street); then in a southeastwardly direction with the center line of West Main Street to its intersection with Newtown Pike; then in a northwestwardly direction with the center line of Newtown Pike to its intersection with West Fourth Street; then in a southeastwardly direction with the center line of West Fourth Street to the Louisville and Nashville Railroad Company crossing; then in a northeastwardly direction with the center line of the right-of-way of the Louisville and Nashville Railroad Company to its crossing of the Russell Cave Pike (Ky 353); then in a generally southwardly direction along the center line of the Russell Cave Pike to Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southeastwardly direction with the center line of Maple Avenue to its intersection with East Seventh Street and in a southeastwardly direction along the center line of East Seventh Street to its intersection with Shropshire; then in a southwestwardly direction with the center line of Shropshire Avenue to East Sixth Street and in a northwestwardly direction with the center line of East Sixth Street to its intersection with Pemberton; then in a southwestwardly direction with the center line of Pemberton to its intersection with East Fifth Street; then in a southeastwardly direction with the center line of East Fifth Street to its intersection with Race Street and in a southwestwardly direction with the center line of Race Street to its intersection with East Third Street; then in a southeastwardly direction with the center line of East Third Street to its intersection with Walton Avenue; then in a southwestwardly direction with the center line of Walton Avenue to its intersection with East Main Street and in a northwestwardly direction with the center line of East Main Street to its intersection with Ransom Avenue; then in a southwestwardly direction with the center line of Ransom Avenue to its intersection with East High Street and in a generally southwardly direction with the center line of East High Street to its intersection with Sunset, then in a northwestwardly direction with the center line of Sunset to Lafayette Avenue and continuing along the center line of Columbia (Sunset) to its intersection with Woodland Avenue and in a southwestwardly direction with the center line of Woodland Avenue to its intersection with Huguelet and in a northwestwardly direction along the center line of Huguelet to its intersection with Rose Street and in a southwestwardly direction with the center line of Rose Street to its intersection with South Limestone; then continuing in a southwestwardly direction along the center line of South Limestone to its intersection of Waller Avenue and then in a northwestwardly direction along the center line of Waller Avenue to its intersection with South Broadway and the Mason Headley Road, the point of beginning.

(76) Seventy-sixth District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of East Third Street and Race Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwest property line of Richmond Avenue; then in a southwestwardly direction with said property line of Richmond Avenue to East Main Street and then in a southeastwardly direction along the center line of East Main Street to its intersection with Henry Clay Boulevard; then in a northeastwardly direction with the center line of Henry Clay Boulevard to its intersection with Menifee Avenue and in a southeastwardly direction with the center line of Menifee Avenue to a point in the southeast property line of Holiday Road; then with said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks; then in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road (Ky 4); then in a generally northwardly direction along the center line of the New Circle Road to its intersection with the Winchester Pike (US 60); then in a generally eastwardly direction with the center line of the Winchester Pike to its intersection with Interstate 64-75; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to its overpass on the Russell Cave Pike (Ky 353); then in a southwestwardly direction with the center line of Russell Cave Pike to its intersection with the New Circle Road; then in a southeastwardly direction with the center line of New Circle Road to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction with the center line of North Limestone to its intersection with Carlisle Avenue; then in a southeastwardly direction along the center line of Carlisle Avenue to its intersection of Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southwestwardly direction with the center line of Maple Avenue to East Seventh Street; then in a southeastwardly direction along the center line of East Seventh Street to Shropshire; then in a southwestwardly direction along the center line of Shropshire to East Sixth Street; then in a northwestwardly direction along the center line of East Sixth Street to Pemberton; then in a southwestwardly direction the center line of Pemberton to East Sixth Street; then in a

southeastwardly direction with the center line of East Fifth Street to Race Street; then in a southwestwardly direction along the center line of Race Street to its intersection with East Third Street, the point of beginning.

(77) Seventy-seventh District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and the New Circle Road (Ky 4); then with the New Circle Road in a generally northeastwardly direction to the following intersections: Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike and North Broadway to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction along the center line of North Limestone to Carlisle Avenue; then in a southeastwardly direction with the center line of Carlisle Avenue to Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue and in a northwestwardly direction with the center line of Louden Avenue to its intersection with Russell Cave Pike and in a generally northwardly direction with the center line of the Russell Cave Pike to the Louisville and Nashville Railroad crossing; then in a southwestwardly direction with the right-of-way with the Louisville and Nashville Railroad to West Fourth Street; then in a northwestwardly direction along the center line of West Fourth Street to the Newtown Pike and in a southwestwardly direction the center line of the Newtown Pike to West Main Street; then in a northwestwardly direction with West Main Street (Leestown Pike) to Forbes Road; then in a southwestwardly direction the center line of Forbes Road to the Versailles Road and across the Versailles Road and along the western property line of the Kentucky Trotting Horse Breeders Association (Red Mile) to South Broadway and in a southwestwardly direction along the center line of South Broadway to Clays Mill Road and continuing in a southwestwardly direction along the center line of Clays Mill Road to Longview Drive; then in a northwestwardly direction along the center line of Longview Drive to the Harrodsburg Road; then in a northeastwardly direction along the center line of the Harrodsburg Road to the Lane Allen Road and in a northwestwardly direction along the center line of Lane Allen Road to Garden Springs Drive; then in a southwestwardly direction along the center line of Garden Springs Drive to Cypress Drive; then in a southeastwardly direction along Cypress Drive to Poppy Lane; then in a southwestwardly direction along a line extended from the end of Poppy Lane to the point opposite Aster Road and in a southeastwardly direction along a line extending from the end of Aster Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to the New Circle Road and in a northwestwardly direction along the center line of New Circle Road to a point opposite the center line of Lansill Road and in a northeastwardly direction along the center line of Lansill Road to a point on the Lane Allen Road; then continuing in a northeastwardly direction along the center line of Traveller Road to the northwest property line of Antietam Road; then in a generally northwardly direction along the line between the rear property lines of Traveller Road and Alexandria Drive to the Parkers Mill Road; then continuing in a generally northwardly direction along the center line of the Parkers Mill Road to Versailles Road; then in a westwardly direction along the center line of Versailles Road to the New Circle Road, the point of beginning.

(78) Seventy-eighth District: That part of Fayette County contained within the following boundaries: Beginning on Versailles Pike (US 60) at the Woodford County line; then eastwardly with the center line of the Versailles Pike to the intersection with the New Circle Road, then continuing along the Versailles Pike to Parkers Mill Road; then in a generally southwardly direction along the center line of Parkers Mill Road and continuing in a southerly direction along the rear property lines of Traveller Road and Alexandria Drive to the northwestwardly property line of Antietam Road and in a southwestwardly direction with said property line of Antietam Road to the center line of Traveller Road and with the center line of Traveller Road to the Lane Allen Road; then in a southwestwardly direction to the center line of Lansill Road, continuing along the center line of Lansill Road and on to New Circle Road and in a southeastwardly direction along the center line of the New Circle Road to the Harrodsburg Road and in a northeastwardly direction along the center line to the Harrodsburg Road to a point opposite Aster Road and in a northwestwardly direction along a line to a point opposite Poppy Lane; then in a northeastwardly direction along a line to the end of Poppy Lane and continuing on the center line of Poppy Lane to Cypress Drive; then in a northwestwardly direction along the center line of Cypress Drive to Garden Springs Drive; then in a northeastwardly direction along the center line of Garden Springs Drive to Lane Allen Road; then in a southeastwardly direction along the center line of Lane Allen Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to Longview Drive; then in a southeastwardly direction along the center line of Longview Drive to Clays Mill Road; then in a northeastwardly direction along the center line of Clays Mill Road to Harrodsburg Road continuing in a northeastwardly direction along the center line of the Harrodsburg Road to its intersection of Waller Avenue; then in a southeastwardly direction along the center line of Waller Avenue to South Limestone; then in a northeastwardly direction along the center line of North Limestone to Rose Street continuing in a northeastwardly direction along the center line of Rose Street to Huguelet, then in a southeastwardly direction along the center line of Huguelet to Woodland Avenue; then in a northeastwardly direction along the center line of Woodland Avenue to Columbia Avenue; then in a southeastwardly direction along the center line of Columbia Avenue to Lafayette Avenue and continuing along the center line of Sunset (Columbia Avenue) to the Tates Creek Pike; then in a generally southerly direction along the center line of Tates Creek Pike to Lansdown Drive; then in a southwestwardly direction along the center line of Lansdowne

Drive to Zandale Drive; then in a northwestwardly direction along the center line of Zandale Drive to South Limestone (Nicholasville Pike); then in a southwestwardly direction along the center line of Nicholasville Pike to the Wilson-Downing Road; then in a southeastwardly direction along the center line of the Wilson-Downing Road to the Tates Creek Pike (Ky 1974); then in a generally southerly direction along the center line of the Tates Creek Pike to the Fayette County line; then along the Fayette County line in a generally northwestwardly direction to the Versailles Pike (US 60), the point of beginning.

(79) Seventy-ninth District: That part of the county of Fayette contained within the following boundaries: Beginning at the Kentucky River at the landing of Tates Creek Pike; then in a generally northwestwardly direction along the center line of the Tates Creek Pike to the Wilson-Downing Road; then continuing in a northwestwardly direction along the center line of the Wilson-Downing Road to the Nicholasville Road and in a northeastwardly direction along the center line of the Nicholasville Road (South Limestone) to Zandale Drive; then in a southeastwardly direction along the center line of Zandale Drive to Lansdowne Drive; then in a northeastwardly direction along the center line of Lansdowne Drive to Tates Creek Pike; then in a generally northwardly direction along the center line of Tates Creek Pike (East High Street) to Ransom Avenue and in a northeastwardly direction along the center line of Ransom Avenue to East Main Street and in a southeastwardly direction along the center line of East Main Street to Walton Avenue, then in a northwestwardly direction along the center line of Walton Avenue to East Third Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwestern property line of Richmond Avenue; then in a southwestwardly direction along said property line of Richmond Avenue to East Main Street and in a southeastwardly direction with the center line of East Main Street to Henry Clay Boulevard and in a northeastwardly direction with the center line of Henry Clay Boulevard to Menifee Avenue and in a southeastwardly direction along the center line of Menifee Avenue to a point in the southeastern property line of Holiday Road; then in a northeastwardly direction along said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks and in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road; then in a generally northerly direction along the center line of the New Circle Road to the Winchester Pike (US 60) and in a generally eastwardly direction along the Winchester Pike to the Interstate 64-75 interchange; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to the Bryan Station Pike (Ky 956) and in a northwestwardly direction along the center line of the Bryan Station Pike to the Muir Station Pike; then in a southeastwardly direction along center line of the Muir Station Pike to the Briar Hill Pike; then in a northeastwardly direction along the center line of the Briar Hill Pike to the Bourbon County line; then following the Fayette County line in a generally southerly direction to the Kentucky River and along the Kentucky River to the Tates Creek Pike, the point of beginning.

(80) Eightieth District: Lincoln and Rockcastle Counties and that part of Pulaski County contained within the following voting precincts: Eubank 25, Estesburg 26, Hazeldell 27, Good Hope 28 and Catron 31.

(81) Eighty-first District: That part of Madison County not contained in the Eighty-fourth District.

(82) Eighty-second District: Whitley County; that part of McCreary County contained within the County Census Division of Pine Knot bounded by: Blue Heron Road extended, Blue Heron Road, State Highway 742, U. S. Highway 27, Laurel Creek, Marsh Creek, Duck Run, county line, state line, South Fork Cumberland River; that part of McCreary County contained within the County Census Division of Cooperative bounded by: South Fork Cumberland River, state line, county line; that part of McCreary County contained within the county census division of Stearns bounded by: Lick Creek, Bridge Fork, Laurel Creek, U. S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended, South Fork Cumberland River.

(83) Eighty-third District: That part of Pulaski County not contained in the Eightieth District.

(84) Eighty-fourth District: Estill and Jackson Counties and that part of Madison County contained in the city of Berea and in voting precincts 19 and 20.

(85) Eighty-fifth District: Laurel County and that part of McCreary County not contained in the Eighty-second District.

(86) Eighty-sixth District: Knox County; that part of Clay County contained in voting precincts 1, 7, 8, 12, 14, 15.

(87) Eighty-seventh District: Bell County and that part of Harlan County contained in voting precinct Pathfork 41.

(88) Eighty-eighth District: That part of Harlan County not contained in the Eighty-seventh and Ninetieth Districts.

(89) Eighty-ninth District: Breathitt and Lee Counties and that part of Wolfe County not contained in the Seventy-first District, and that part of Perry County contained in census county division of Big Creek, Blue Diamond Buckhorn, Yerkes-Busy and Krypton lying north and east of the following boundary: Leslie County line, Big Creek-Right Fork Divide, Buffalo Fork Big Creek-Buffalo Creek Divide, Brown's Fork-Buffalo Creek Divide, Messer Branch-Davidson Branch Divide, Happy Hollow, Hazard City limits, Walker Branch-North Fork Kentucky River Divide; Laurel Fork-Lost Creek-First Creek Divide, Sixteenmile Creek-Lower Second Creek Divide, Lost Creek, Grapevine Creek Divide, Tenmile Creek-Grapevine Creek Divide, Breathitt County line,

Owsley County line, and Clay County line.

(90) Ninetieth District: Leslie and Owsley Counties, and that part of Harlan County contained in the voting precincts of Pine Mountain-Big Laurel No. 11, Bledsoe No. 12, New Baxter No. 9, Old Baxter No. 8, School House Loyall No. 35, City Hall Loyall No. 34, Rio Vista No. 36, and Putney No. 10, and that part of Clay County contained in voting precincts 2, 3, 4, 5, 6, 9, 10, 11, 13.

(91) Ninety-first District: That part of Perry County not contained in the Eighty-ninth district, and that part of Letcher County not contained in the Ninety-second district.

(92) Ninety-second District: Knott and Magoffin Counties; that part of Letcher County contained in census county division of Blackey, Colson, Fleming-Neon, and census enumeration districts 21 and 22, lying northwest of the following boundary: Perry County line, Turkey Creek-Defeated Creek Divide, Whittaker Branch Road, Tolson Branch Road, Kentucky Highway 588, Mills Branch Road, Mills Branch Spur Road, Rockhouse Creek-Smoot Creek Divide, Kentucky Highway 15, Smoot Creek-Dry Fork Divide, Rockhouse Creek-North Fork Kentucky River Divide, Millstone Creek Road, Kentucky Highway 803, State Highway 113, North Fork Kentucky River, U. S. Highway 119, Seco city limits, U.S. Highway 119, Jenkins city limits, McRoberts city limits, Fleming city limits, and from Hemphill-Jackhorn P.O. due north to Pike County line, including the cities of Seco and Fleming.

(93) Ninety-third District: That part of Pike County contained in voting precincts Caney 20, Yeager 21, Old Shelby 22, Long Fork 23, Dorton 24 and Elmwood in District 2; Marrowbone 30, Rockhouse 31, Henry Clay 32, Hellier 33, Ashcamp 34 and Rasnick 35 in District 3; Millard 40, Lick Creek 42, Grapevine 43, and Garden Village 46 in District 4; Raccoon 51 in District 5; Peter 70, Blackberry 71, Knox 72, Freeburn-Cline 73, Wolford 74, Bluesprings 75, Majestic 76 in District 7; Mouthcard 80, Upper Elkhorn 81, Elkhorn City Hall 82, Belcher 83, Feds Creek 84, Looney 85 in District 8.

(94) Ninety-fourth District: That part of Pike County not contained in the Ninety-third District; that part of Floyd County not contained in the Ninety-fifth District.

(95) Ninety-fifth District: Floyd County except for the voting precincts Herold, Toler Creek, Antioch, Branhams Creek, Head of Mud, Tickey.

(96) Ninety-sixth District: Carter and Lewis Counties.

(97) Ninety-seventh District: Johnson and Martin Counties, and that part of Lawrence County contained in voting precincts 7, 9, 10, 11, 12, 13 and 14.

(98) Ninety-eighth District: That part of Greenup County not contained in the Ninety-ninth District.

(99) Ninety-ninth District: Elliott County; that part of Lawrence County contained in voting precincts 1, 2, 3, 4, 5, 6, and 8; that part of Boyd County containing the following voting precincts: Court House 1, City Building 2, Argo 3, Hampton 4, Rockdale 5, England Hill 7, Durbin 8, East Fork 9, Cannonsburg 10, Princess 11, Garner 12, Hoods Creek 13, Fairview 14, Buckley 15, Westwood 16, Millseat 17; that part of Greenup County contained in census enumeration district 10, known as Bellefonte City, bounded by county line, Country Club Drive (State Highway 693) to its junction with State Highway 1725, then southeasterly to the county line.

(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District.

**HB 645,** AN ACT relating to the State Personnel Classified Service.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 18.310 is amended to read as follows:

(1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified services because of his political or religious opinions or affiliations or ethnic origin.

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.

(3) No employe in the classified service or member of the personnel board or commissioner shall, directly or indirectly, pay or promise to pay any assessment for political purposes, or solicit or take any part in soliciting for any political party, or solicit or take any part in soliciting any political assessment, subscription, contribution, or service. No person shall solicit any political assessment, subscription, contribution, or service of any employe in the classified service.

(4) No employee in the classified service shall be a member of any national, state, or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take part in the management or affairs of any political

party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Officers or employes of the classified service may be candidates for and occupy a town or school district office if the office is one for which no compensation, *other than a per diem payment,* is provided and the election is on a nonpartisan basis.

**HB 759,** AN ACT relating to the Kentucky Bicentennial Oral History Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 153 IS CREATED TO READ AS FOLLOWS:

(1) There is established the Kentucky Bicentennial Oral History Commission, hereinafter referred to as "the commission", as a separate administrative body of state government within the meaning of KRS Chapter 12.

(2) The purpose of the commission shall be to coordinate the state's oral history programs for the celebration of the bicentennial of the nation and the commonwealth. The commission shall further initiate new oral history programs designed to accumulate tape recordings, photographs, and other supporting data of the significant history of Kentucky as observed by its people.

(3) The membership of the commission shall be appointed by the governor and shall consist of representatives of institutions conducting or expecting to conduct oral history projects and from the interested citizenry at large, the latter of whom shall not consist of less than one-fourth of the total appointees. Commission members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(4) From the membership of the commission the governor shall appoint an executive committee consisting of a chairman, vice-chairman, an oral history advisor of national standing, a state history advisor, and an executive secretary who shall be the state librarian. The commission shall elect by majority vote three other members to serve on the executive committee.

(5) The executive committee shall have the policy approval authority for the commission, which body shall be advisory in nature, and shall be the final grant approval authority for all funds collected by or appropriated to the commission.

(6) The commission shall meet upon call of the chairman, but not less than twice each year. A majority of the members appointed shall constitute a quorum for the purpose of conducting the business of the commission.

Section 2. To carry out the purposes of this Act there is appropriated to the Kentucky Bicentennial Oral History Commission, out of the general fund in the state treasury, the sum of $50,000 for the 1976-77 fiscal year. Any funds remaining at the end of the 1976-77 fiscal year shall not lapse but shall continue to the next fiscal year.

**HB 761,** AN ACT relating to the defense and indemnification of state employes sued individually while acting in the scope of their employment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

Upon request of an employe or former employe, the attorney general may provide for the defense of any civil action brought against such employe in his official or individual capacity, or both, on account of an act or omission made in the scope and course of his employment as an employe of the commonwealth and any of its agencies.

SECTION 2. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

(1) The attorney general may decline to provide for the defense of a civil action brought against an employe or former employe if he determines that:

(a) The act or omission was not within the scope and course of his employment as a state employe; or

(b) The employe or former employe acted or failed to act because of actual fraud, corruption, or actual malice on his part; or

(c) Defense of the action by the commonwealth would create a conflict of interest between the commonwealth and the employe or former employe; or

(d) Defense of the action would not be in the best interests of the commonwealth.

(2) The attorney general may delegate his authority to make these determinations to the chief administrative authority of any agency, institution, board, or commission whose employes are to be defended.

SECTION 3. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

The Governor shall provide by regulation, with advice of the attorney general, for the defense of employes or former employes of the commonwealth pursuant to this Act by one or more of the following methods:

(1) By the attorney general;

(2) By employing other counsel for this purpose as provided for in KRS 12.210;

(3) By authorizing the purchase of insurance which requires that the insurer provide or underwrite the cost of the defense; or

(4) By authorizing defense by counsel assigned to or employed by the department, agency, board, commission, bureau, or authority which employed the person requesting the defense.

SECTION 4. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

(1) All final judgments awarded in courts of competent jurisdiction against state employes in actions or suits to which this Act applies, or any amounts payable under a settlement of such suits in accordance with this section, and not exceeding fifty thousand dollars ($50,000) shall be paid by the commissioner of the department for finance and administration from unappropriated general fund surplus in the state treasury as a necessary governmental expense. Nothing in this section shall be deemed to waive the sovereign immunity of the commonwealth with respect to a claim covered under this section or to authorize the payment of any judgment or settlement against a state employe in excess of the limit provided in any commercial liability insurance purchased by the commonwealth or any subdivision thereof.

(2) The attorney general may compromise and settle any claim covered by this section to the extent that he finds the claim to be valid, provided that no settlement of any such claim in an amount in excess of the limit provided in any commercial liability insurance purchased by the state or any subdivision thereof shall be made without the written approval of the employe or former employe and the department head. In a case wherein the attorney general has determined that private counsel should be provided because of a conflict with the interests of the commonwealth, the settlement in excess of any commercial liability insurance coverage must be approved by the private counsel.

Section 5. The provisions of this Act shall apply to actions and judgments against state employes which are threatened, pending or completed at the time this Act becomes effective.

**HB 783,** AN ACT relating to libraries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 173 is created to read as follows:

(1) The Kentucky State Advisory Council on Libraries is hereby created and shall be composed of twenty-one members, appointed by the Governor for a term of four years, except that of the twenty-one members initially appointed, six shall serve terms of four years, five shall serve terms of three years, five shall serve terms of two years and five shall serve terms of one year. The Governor of the Commonwealth of Kentucky shall appoint from this membership a Chairman and a Co-Chairman to serve for periods of two years each. The Council shall be attached to the Cabinet for Education and the Arts for administrative purposes.

(2) Of the twenty-one members, four shall represent public libraries, two shall represent school libraries, two shall represent college or university libraries, two shall represent special libraries, two shall represent institutional libraries, two shall represent the blind and physically handicapped and seven members, at least one of whom shall be representative of disadvantaged persons, shall represent library users.

(3) Vacancies shall be filled by the Governor in the same manner as initial appointments are made.

(4) Members of the Kentucky State Advisory Council on Libraries shall receive no salary, but shall be compensated for actual and necessary expenses.

(5) The council shall be the state advisory council on libraries for the purposes of Section 3(8) of the Federal Library Services and Construction Act.

Section 2. KRS 173.340 is amended to read as follows:

(1) The management and control of a library shall be vested in a board of trustees. In cities and counties the board shall consist of five (5) members except that in cities of the second class, it shall consist of seven (7) members. *In the event a contract for library service is made pursuant to subsection (4) of KRS 173.310, the board may consist of equal representation from the contracting parties with the total membership not to exceed twelve (12).* In a library region there shall be five (5) members except if the number of counties exceeds five (5) there shall be one (1) trustee from each county in the region.

(2) Within thirty (30) days after the establishment of a library has been authorized by any of the methods authorized by KRS 173.310, a library board shall be appointed. In cities the trustees shall be appointed by the mayor and in counties they shall be appointed by the county judge. *There shall be established a board of trustees in each regional library district for purposes of coordinating library programs and effecting economies and efficiencies of the member county library systems.* In [a] *each* regional library district the trustees shall be appointed by the joint action of the judges of the respective counties or as may be agreed upon by contract. In any region in which there are four (4) or less counties, provision shall be made in the contract for rotation of members and an equitable adjustment of terms. If a region consists of an even number of counties, the trustees appointed by the judges of the respective counties shall appoint an additional trustee whose term of office shall be four (4) years and whose successor shall be appointed by the trustees in office at the time of expiration of such term. Trustees shall be appointed from the governmental unit at large with special reference to their fitness for such office. Members of the board shall be appointed as follows: two (2) members for two (2) years, one (1) member for three (3) years, and two (2) members for four (4) years respectively, and thereafter trustees shall be appointed to serve four (4) years. Trustees may serve for two (2) consecutive terms after which they shall not succeed themselves, effective July 1, 1974, exclusive of present terms begun prior to that date. Vacancies shall be filled for the unexpired terms as soon as possible in the same manner as the original appointments. *In the event that vacancies have existed for a period of at least six (6) months, the Governor of the Commonwealth of Kentucky, upon the recommendation of the State Librarian, may make such necessary appointments.*

(3) A library trustee shall not receive a salary or other compensation for services as a trustee. Before entering upon the duties of his office, a trustee shall take oath that he will faithfully discharge his duties. No board shall employ as a member of its library staff any member of the board or any person related closer than a second cousin to any member of the board. No person is eligible to this office who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, fire insurance or services for which library funds are expended.

(4) A library trustee may be removed only by vote of the legislative body of the respective governmental unit from which he was appointed.

**HB 799,** AN ACT relating to Kentucky's heritage.

WHEREAS, the Kentucky Railway Museum, Incorporated, is dedicated to obtaining, maintaining, displaying and operating equipment and memorabilia of the rail industry in Kentucky; and

WHEREAS, the Kentucky Railway Museum operates its facilities and makes acquisitions at its own expense; and

WHEREAS, the Kentucky Railway Museum recently received a donation of several acres of land upon which to relocate its museum; and

WHEREAS, this endeavor to preserve the history of the railroad industry is beneficial to both present and future generations.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

The Kentucky Railway Museum shall be designated as the official railway museum in the state of Kentucky. The museum shall be so designated by an official marker erected by the Kentucky heritage commission.

**SB 259,** AN ACT relating to covered bridges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 171.383 is amended to read as follows:

All covered wooden bridges within the state shall be designated as state shrines by the Kentucky Heritage Commission according to the procedures of the agency. Each covered wooden bridge shall be identified as such by an official marker *placed by the Kentucky Historical Society.*

Section 2. KRS 176.255 is amended to read as follows:

(1) *Administrative control of the covered wooden bridges designated as state shrines shall be shared jointly by the department of transportation, the department of parks, and the Kentucky heritage commission. These agencies are authorized to enter into any agreements or contracts which are beneficial to the administration of the preservation and maintenance of the covered bridges. These agencies are authorized to solicit and receive any pecuniary or advisory assistance from public or private sources outside state government which they desire.* [The Department of Transportation may maintain and preserve all covered wooden bridges designated as state shrines located in the Commonwealth. This section shall apply to all those bridges located on roads and highways maintained by the Bureau of Highways, roads maintained by local government and on private property. It shall apply to bridges in use and those not in use. The Department may maintain the bridges for engineering or safety deficiencies while the bridges are opened to motor vehicular traffic. The Department shall also be required to maintain the aesthetic and historical beauty of the bridge.]

(2) *The department of transportation shall hold title to all covered wooden bridges in the commonwealth which are on public roads and open to vehicular traffic. The department of transportation shall maintain the bridges for safety as well as for historical and aesthetic beauty at all times. The department is authorized to delegate its maintenance responsibility for the covered bridges located on county maintained roads to the local governments which are responsible for those roads but it is the responsibility of the department of transportation to see that the maintenance is performed.* [Nothing in this section shall prevent the appropriate unit of government from closing a covered wooden bridge to vehicular traffic. In the event a covered wooden bridge is closed to traffic by a unit of government, the Department shall take the necessary steps to preserve the bridge, by removal if required. If a bridge is located on private property and its owner desires its removal, the Department shall take the necessary steps to preserve these bridges also.]

(3) *Nothing in this Act shall prevent the appropriate unit of government from closing a covered wooden bridge to vehicular traffic.* [The Department is authorized to solicit and receive any pecuniary or advisory assistance from public or private sources outside state government that it desires. However, the Department shall have administrative control of the maintenance and preservation of covered bridges at all times and shall not delegate its responsibilities under this section.]

Section 3. KRS 176.991 is amended to read as follows:

*(1)* Any person who wilfully burns, defaces or destroys a covered bridge designated as a state shrine by the Kentucky Heritage Commission shall be fined not more than five hundred dollars ($500) or confined in the county jail for not less than thirty (30) days or more than six (6) months or both. This shall be in addition to other penalties.

*(2) Any person who exceeds the posted weight limits for a covered wooden bridge designated as a state shrine shall be fined not less than ten dollars ($10) or more than five hundred dollars ($500). This shall be in addition to other penalties.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) The department of parks shall hold title to all covered wooden bridges in the commonwealth which are no longer open to vehicular traffic and shall maintain these bridges for safety as well as for historical and aesthetic beauty at all times.

(2) In the event a covered bridge is closed to traffic by a unit of government, the department of parks shall take the necessary steps to preserve the bridge, by removal if required.

**SB 329,** AN ACT relating to residential housing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 198A.020 IS CREATED TO READ AS FOLLOWS:

The general assembly of the commonwealth of Kentucky hereby finds and determines that in order to comply with technical income tax rules and regulations proposed to be adopted by the department of the treasury, internal revenue service, with regard to the issuance of securities by states and political subdivisions thereof, it is appropriate and proper that the Kentucky housing corporation's status as a de jure political subdivision of the commonwealth of Kentucky be confirmed by adoption of appropriate clarifying amendments to the Kentucky Revised Statutes.

Section 2. KRS 198A.020 is amended to read as follows:

(1) The general assembly hereby finds and declares that as a result of the spread of slum conditions and blight to formerly sound urban and rural neighborhoods and as a result of actions involving highways, public facilities and urban renewal activities there exists in the commonwealth of Kentucky a serious shortage of decent, safe and sanitary residential housing available at low prices or rentals to persons and families of lower income. This shortage is severe in certain urban areas of the state, is especially critical in the rural areas, and is inimical to the health, safety, welfare and prosperity of all residents of the state and to the sound growth of Kentucky communities.

(2) The general assembly hereby finds and declares further that private enterprise and investment have not been able to produce, without assistance, the needed construction of decent, safe and sanitary residential housing at low prices or rentals which persons and families of lower income can afford, or to achieve the urgently needed rehabilitation of much of the present lower income housing. It is imperative that the supply of residential housing for persons and families of lower income affected by the spread of slum conditions and blight and for persons and families of lower income displaced by public actions or natural disaster be increased; and that private enterprise and investment be encouraged to sponsor, build and rehabilitate residential housing for such persons and families, to help prevent the recurrence of slum conditions and blight and assist in their permanent elimination throughout Kentucky.

(3) The general assembly hereby finds and declares further that the purposes of this chapter are to provide financing for development costs, land development and residential housing construction, new or rehabilitated, for sale or rental to persons and families of lower income.

(4) The general assembly hereby finds and declares further that in accomplishing this purpose, the Kentucky housing corporation *shall be and constitute a de jure municipal corporation and political subdivision of the commonwealth of Kentucky created for the performance of essential public functions and the serving of public purposes in improving and promoting the health, welfare and prosperity of the people of the commonwealth of Kentucky by the production of residential housing* [, a public agency and an instrumentality of the commonwealth is acting in all respects for the benefit of the people of the state in the performance of essential public functions and serves a public purpose in improving and otherwise promoting their health, welfare and prosperity, and that the Kentucky housing corporation is empowered to act on behalf of the commonwealth of Kentucky and its people in serving this public purpose for the benefit of the general public].

Section 3. KRS 198A.030 is amended to read as follows:

(1) *There is hereby created and established an independent, de jure municipal corporation and political subdivision of the commonwealth of Kentucky which shall be a public body corporate and politic to be known as the Kentucky housing corporation* [There is hereby created and established as a governmental instrumentality of the commonwealth, to be independent of the executive branch, a public body corporate to be known as the Kentucky housing corporation].

(2) *The Kentucky housing corporation is created and established as a de jure municipal corporation and political subdivision of the commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the health and general welfare of the people by the production of residential housing in Kentucky* [The housing corporation is created and established to serve a public purpose and to act for the public benefit and as a governmental instrumentality of the commonwealth to act on behalf of the commonwealth and its people in improving and otherwise promoting their health, welfare and prosperity].

(3) The housing corporation shall be governed by a board of directors, consisting of eleven (11) members, four (4) of whom shall be the commissioner of the executive department for finance and administration, the director of the office for local government, the commissioner of revenue, and the commissioner of commerce, or their duly appointed designees, as public directors, and seven (7) of whom shall be chosen from the general public residing in the commonwealth, as private directors.

(4) Upon organization of the housing corporation, the governor shall appoint the eight (8) private directors to take office and to exercise all powers thereof immediately. Of the eight (8) members of the corporation thus appointed, two shall continue in office for terms of one year, and two for terms of two, three and four years respectively as the governor shall designate; at the expiration of said terms and for all succeeding terms, the governor shall appoint a successor to the office of private director for a term of four years in each case.

(5) In case of a vacancy, the governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six months after the expiration of the then current term of the governor designating such chairman.

(8) The corporation shall annually elect one of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon such certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three days' written notice to each director or upon the concurrence of at least seven directors.

(12) Directors shall receive no compensation for their services but shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

Section 4. KRS 198A.200 is amended to read as follows:

*The Kentucky housing corporation has been duly created as a de jure municipal corporation and political subdivision of the commonwealth of Kentucky. Accordingly, the Kentucky housing corporation* [The commonwealth of Kentucky hereby covenants, with due regard to section 175 of the constitution of the commonwealth of Kentucky, with the holders of the notes and bonds issued by the corporation to carry out and effectuate its corporate purpose pursuant to this chapter that the corporation] shall not be required to pay any taxes and assessments to the commonwealth of Kentucky, or any county, municipality or other governmental subdivision of the commonwealth of Kentucky, upon any of its property or upon its obligations or other evidences of indebtedness pursuant to the provisions of this chapter, or upon any monies, funds, revenues or other income held or received by the corporation and [that] the notes and bonds of the corporation and the income therefrom shall at all times be exempt from taxation, [as aforesaid,] except for death and gift taxes and taxes of transfers; provided, however, that real property owned by the Kentucky housing corporation shall be exempt from all property taxation and special assessments of the state or political subdivisions thereof, but the corporation may agree to pay, in lieu of such taxes, such amounts as the corporation finds consistent with the cost to the state or political subdivision of supplying municipal services to the housing development and maintaining the economic feasibility of the housing development, which payments such bodies are hereby authorized to accept.

SECTION 5. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO READ AS FOLLOWS:

The promulgation of certain income tax regulations by the internal revenue service will prevent further operations of the Kentucky housing corporation unless this Act is adopted and implemented. Accordingly, an emergency is declared to exist and this Act shall be effective upon approval by the governor.

The Committee on Rules reported **HB 4** with Committee Substitute and Committee Amendments attached thereto, **HB 35** with Committee Amendments attached thereto, **HB 98** with Committee Substitute attached thereto, **HB 107, HB 149, HB 191, HB 194** with Committee Amendment attached thereto, **HB 390, HB 394** with Committee Amendment attached thereto, **HB 437, HB 463, HB 497, HB 565, HB 575, HB 576, HB 579** with Committee Substitute attached thereto, **HB 589, HB 590, HB 639, HB 640, HB 641, HB 643** with Committee Amendments attached thereto, **HB 647, HB 648, HB 652, HB 663, HB 681, HB 691, HB 692, HB 696, HB 697, HB 700, HB 712, HB 714, HB 715, HB 716** with Committee Substitute attached thereto, **HB 733** with Committee Amendment attached thereto, **HB 750, HB 755, HB 758** with Committee Amendment attached thereto, **HB 788, HR 41, HR 75, SB 13** with Committee Amendment attached thereto, **SB 116, SB 189, SB 190,** and **SCR 14** have been posted for passage in Orders of the Day, March 10, 1976.

The Committee on Rules reported **HB 241, HB 281,** and **HB 383** have been recommitted to the Committee on Education.

The Committee on Rules reported **HB 600** and **HB 524** have been recommitted to the Committee on Appropriations and revenue.

The Committee on Rules reported **HB 484** has been recommitted to the Committee on Agriculture and Natural Resources.

The Committee on Rules reported **HB 363** has been recommitted to the Committee on State Government.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 792, HB 68.**

Cities: **HB 797, HB 51, HB 770, SB 154.**

Counties and Special Districts: **HB 203, HB 823, SB 224.**

Elections and Constitutional Amendments: **SB 90, SB 176, SB 186, SB 218.**

Highways and Traffic Safety: **HB 322.**

Judiciary-Courts: **HB 611, SB 161.**

Judiciary-Statutes: **SB 23, SB 25, HB 796.**

Public Utilities and Transportation: **HB 842, SB 223, SB 244, HB 246, SB 65.**

State Government: **SB 262, SB 299, SB 342, SB 344, HB 64.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Education: **HB 267, HB 296, HB 327, HB 382, HB 440, HB 452, HB 454,** HB 501, **HB 582, HB 597, HB 601, HB 616, HB 649, HB 237.**

## Calendar

**HB 813, HB 672, HB 687** and **HB 753** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Representative B. Richardson moved that the rules be suspended for waiving the time element for posting of all House bills on March 9, 1976. Agreed.

## Orders of the Day

**HB 559,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved the adoption of the Committee Amendment to **HB 559.** Agreed.

Representative B. Richardson moved that **HB 559,** as amended, be passed.

On the roll call the vote was yeas 58-Ackerson, B. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Brinkley, Clapp, Clarke, Cooper, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Head, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Priddy, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Vincent, Wells, White, Wible, Wooden, Yates. Nays 25-J. Allen, W. Allen, Blair, Blythe, Brown, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Fitzgerald, Gray, Guenthner, Hardwick, Holloway, LeMaster, Muncy, Pearl, Rattliff, P. Richardson, Robinson, Tobin, J. Turner, R. Turner, Wright.

**HB 559** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 559** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 644** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wooden, Wright, Yates. Nays 4-S. Adams, W. Allen, Denham, Pearl.

**HB 644** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 644** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 695** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **HB 695.** Agreed.

Representative B. Richardson moved that **HB 695,** as amended, be passed.

On the roll call the vote was yeas 66-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Givhan, Gray, Hancock, Head, Holloway, Hopkins, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, J. Turner, Vincent, Wells, White, Wible, Wooden. Nays 20-S. Adams, W. Allen, Burnette, Cooper, Dawahare, Denham, Doss, Fitzgerald, Freeman, Hardwick, Holbrook, Hughes, Morris, Overstreet, Rattliff, Siler, Tobin, R. Turner, Wright, Yates.

**HB 695,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 695,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 625,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Amendment No. 1 to **HB 625.** Agreed.

Representative Morgan moved the adoption of the Committee Amendment No. 2 to **HB 625.** Agreed.

Representative Holloway moved the adoption of the following Floor Amendment No. 1 to **HB 625:**

Amend printed copy of House Bill 625, on page 86, line 15, by inserting after the words "KRS 61.592" and before the bracket, the words, "*except that a county employes retirement system member in a hazardous position may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and twenty-five hundredths percent (2.25%) of final compensation for each year of service credit*"

Agreed.

Representative Morgan moved that **HB 625,** as amended, be passed.

On the roll call the vote was yeas 88-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 625,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 625,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 566** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Rattliff.

**HB 566** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 566** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 548,** as amended by Committee Amendment No. 1, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Mason moved the adoption of the following Floor Amendment No. 4 to **HB 548:**

Amend printed copy of **HB 548,** on page 1, line 8, after the word "terms" and before the word "but" bracket the comma "," and insert "*after July 1, 1976,*"

Agreed.

Representative McBride moved the adoption of the following Floor Amendment No. 1 to **HB 548:**

Amend printed copy of House Bill 548, on page 1, line 15, by adding after the period following the word applicable the following words: "Union County is exempt from this act."

On the roll call the vote was yeas 15-Beshear, Blume, Denham, Donnermeyer, Doss, Hopkins, Jones, Lindsay, Mann, McBee, McBride, Overstreet, Pearl, Schmidt, J. Turner. Nays 45-Ackerson, A. S. Adams, W. Allen, Blair, Blandford, Blythe, Burnette, Carpenter, Cooper, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Hardwick, Holbrook, Kenton, Kleier, Mason, Maynard, Muncy, Nett, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Siler, Tobin, R. Turner, Vincent, Wible, Wooden, Wright.

The Floor Amendment No. 1 to **HB 548** was rejected.

Representative Blume moved the adoption of the following Floor Amendment No. 2 to **HB 548:**

Amend printed copy of House Bill 548, on page 1, line 3, by inserting before the word "The" the following: "*Except in counties containing cities of the first class,*"

and on line 3 by bracketing the "T" in the word "the" and by inserting directly before it "t"

On the roll call the vote was yeas 28-Bendl, Benson, Blume, Blythe, Brinkley, Brown, Clarke, Cyrus, DeFalaise, Doss, Dunn, Guenthner, Holloway, Hopkins, Hughes, Hurst, Kleier, LeMaster, Mann, Maynard, McBee, McGill, O'Brien, Pearl, Priddy, Sale, Siemens, J. Turner. Nays 36-B. Adams, J. Allen, W. Allen, Beshear, Blair, Blandford, Burnette, Carpenter, Cooper, Crupper, DeMarcus, Deskins, Fitzgerald, Foster, Freeman, Gay, Hancock, Holbrook, Jones, Kenton, Lindsay, Little, McBride, Muncy, Rattliff, Richards, B. Richardson, P. Richardson, Schmidt, Siler, Tobin, Thomas, R. Turner, Vincent, Wible, Wright.

The Floor Amendment No. 2 to **HB 548** was rejected.

Representative McBee moved the adoption of the following Floor Amendment No. 3 to **HB 548:**

Amend printed copy of House Bill 548, on page 1, line 8, by inserting after the word "*terms*" the words " *except in counties in which a medium hub airport, as defined by the Federal Aviation Administration, is primarily located*"

On the roll call the vote was yeas 15-Benson, Blume, Blythe, Crupper, Denham, Donnermeyer, Doss, Hopkins, Isler, King, LeMaster, Mann, McBee, Pearl, J. Turner. Nays 40-B. Adams, W. Allen, Beshear, Blair, Blandford, Burnette, Carpenter, Clarke, Cooper, Cyrus, Dawahare, DeMarcus, Deskins, Fitzgerald, Foster, Gay, Guenthner, Hancock, Hardwick, Imes, Kenton, Lindsay, Little, Maynard, McBride, Muncy, Nett, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Schmidt, Siler, Tobin, R. Turner, Vincent, Wible, Wooden.

The Floor Amendment No. 3 to **HB 548** was rejected.

Representative Mason moved that **HB 548,** as amended, be passed.

On the roll call the vote was yeas 49-Ackerson, J. Allen, Arnold, Bennett, Blair, Brown, Carpenter, Cooper, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Hughes, Imes, Jones, Kenton, King, Little, Mann, Mason, Maynard, Morgan, Morris, Nett, Rattliff, B. Richardson, Robinson, Romines, Sale, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 31-B. Adams, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Burnette, Clarke, Crupper, Cyrus, Dietz, Doss, Hancock, Hopkins, Hurst, Isler, LeMaster, Lindsay, McBee, McBride, Muncy, O'Brien, Pearl, Richards, P. Richardson, Schmidt, Siler, Stephens, J. Turner.

**HB 548,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 548,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 315,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved the adoption of the following Floor Amendment No. 2 to **HB 315:**

Amend printed copy of House Bill 315, on page 1, line 3, by inserting before the word "This" the following "*(1)*" and on line 4, by deleting the bracket after the word "offers" and before the word "to"

and on line 5, by deleting the bracket after the word "students" and before the word "as"

and by inserting after line 9 the following:

"*(2) This chapter shall not apply to any college within the University of Kentucky community college system which offers to part-time students a course in drivers instruction where there is no school licensed pursuant to this chapter in the county.*"

Agreed.

Representative Lindsay moved that **HB 315,** as amended, be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 8-W. Allen, Benson, Blair, DeFalaise, DeMarcus, Holbrook, Hopkins, R. Turner.

**HB 315,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 315,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 471** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Romines moved that **HB 471** be passed.

On the roll call the vote was yeas 81-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cooper, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, Lindsay, Little, Mason, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Yates. Nays 0.

**HB 471** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 471** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 201** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 201** be passed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blythe, Boatwright, Brown, Carpenter, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freeman, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Mann, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 8-J. Allen, Blandford, Brinkley, Burnette, Doss, Gay, Hughes, R. Turner.

**HB 201** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 201** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 284,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brown moved the adoption of the Committee Amendment to **HB 284.** Agreed.

Representative Brown moved that **HB 284,** as amended, be passed.

On the roll call the vote was yeas 89-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 284,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 284,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 402** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that **HB 402** be passed.

On the roll call the vote was yeas 80-B. Adams. A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 5-Benson, Beshear, Bevins, Clarke, Thomas.

**HB 402** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 402** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 519** taken from the Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved that **HB 519** be passed.

On the Roll call the vote was yeas 50-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blume, Blythe, Clapp, DeFalaise, Denham, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardwick, Head, Hopkins, Isler, Jones, Kenton, King, LeMaster, Mann, Maynard, McBride, McGill, Morgan, Nett, Overstreet, Rattliff, Richards, B. Richardson, Robinson, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden. Nays 35-J. Allen, Blandford, Boatwright, Brinkley, Burnette, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Doss, Fitzgerald, Freeman, Gray, Holbrook, Holloway, Hughes, Hurst, Imes, Lindsay, Little, McBee, Muncy, O'Brien, Pearl, Priddy, P. Richardson, Romines, Siler, R. Turner, Wright, Yates.

**HB 519** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 519** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 417** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved that **HB 417** be passed.

On the roll call the vote was yeas 21-W. Allen, Blair, Blythe, Carpenter, Dawahare, DeFalaise, DeMarcus, Freeman, Gay, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Muncy, Overstreet, Priddy, Rattliff, Siler, R. Turner, Wright. Nays 49-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Beshear, Blandford, Clarke, Cooper, Craddock, Crupper, Cyrus, Denham, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Givhan, Gray, Head, Hurst, Imes, Jones, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Richards, Sale, Schmidt, Siemens, Tobin, Thomas, Vincent, Wells, Wible, Wooden.

**HB 417** was defeated.

## Recess

Representative B. Richardson moved that the House recess for thirty minutes for committee meetings. Agreed.

At the appointed hour, the speaker resumed the Chair and called the House to order.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 77, HB 178,** and **HB 475** had been examined and found correctly enrolled. **HB 77, HB 178,** and **HB 475** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 77, HB 178,** and **HB 475** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Senate Message

Announcing passage of **HB 261, HB 370, HB 627, HR 42, SR 49, SB 358,** SB 356, **SB 340, SB 268, SB 251, SB 327, HB 71, HB 411, SB 355, HB 145, HB 70, HB 24, HB 544, SB 200, SB 232, SB 261, HB 343, HB 36,** and **HB 408.**

## Orders of the Day (continued)

**HB 731,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved the adoption of the Committee Amendment to **HB 731.**

On the roll call the vote was yeas 60-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Bennett, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Carpenter, Clapp, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Head, Hopkins, Hughes, Imes, Isler, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McGill, Morgan, Morris, Muncy, Overstreet, Rattliff, Richards, Romines, Siemens, Siler, Stephens, Stewart, J. Turner, R. Turner, Wells, White, Wright, Yates. Nays 19-Arnold, Bendl, Benson, Beshear, Burnette, Clarke, DeFalaise, Denham, Holbrook, Holloway, Jones, Nett, O'Brien, Pearl, B. Richardson, Tobin, Vincent, Wible, Wooden.

The Committee Amendment No. 1 to **HB 731** was adopted.

Representative Wible moved that **HB 731,** as amended, be passed.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 731,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 731,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 159** taken from Order of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 159** be passed.

On the roll call the vote was yeas 78-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Hancock, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 4-W. Allen, Guenthner, Holloway, R. Turner.

**SB 159** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 159** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 160** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 160** be passed.

On the roll the vote was yeas 58-B. Adams, Arnold, Bendl, Beshear, Bevins, Blume, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Craddock, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Head, Hopkins, Hughes, Isler, Jones, Kenton, LeMaster, Lindsay, Mann, Mason, May, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 25-Ackerson, J. Allen, W. Allen, Blandford, Blythe, Clarke, Dawahare, DeMarcus, Denham, Deskins, Doss, Fitzgerald, Gray, Guenthner, Hardwick, Holbrook, Holloway, Imes, King, Little, Overstreet, Pearl, Rattliff, Robinson, R. Turner.

**SB 160** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 160** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 162,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Amendment to SB 162. Agreed.

Representative Wible moved that **SB 162,** as amended, be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-W. Allen.

**SB 162,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 162,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 145** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **SB 145** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Little.

**SB 145** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 145** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 698** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to **HB 698:**

Amend printed copy of House Bill 698, on page 1, line 1, by deleting "KRS 157A.100" and inserting in lieu thereof "KRS 157.380"

and on page 2, line 16, by deleting "under KRS 160.470"

Agreed.

Representative Clarke moved that **HB 698,** as amended, be passed.

On the roll call the vote was yeas 63-A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Boatwright, Burnette, Carpenter, Clarke, Craddock, Cyrus, DeMarcus, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, King, LeMaster, Little, Mann, Mason, May, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Ackerson, W. Allen, Brown, DeFalaise, Guenthner, R. Turner.

**HB 698,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 698,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 82,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved the adoption of the following Floor amendment No. 1 to **HB 82:**

Amend printed copy of House Bill 82, on page 7, line 6, by deleting the word "*quarterly*"

and on page 7, line 8, by adding at the end of the sentence ending with the word "*account.*" the following sentence:

"*If the deposited money is in the amount of less than five hundred dollars ($500) such written report shall be made annually or if more than five hundred dollars ($500) but less than one thousand dollars ($1,000) such written report shall be made semi-annually or if more than one thousand dollars ($1,000) such written report shall be made quarterly.*"

Agreed.

Representative Hopkins moved the adoption of the Committee Amendment No. 2. Agreed.

Representative Hopkins moved the adoption of the Committee Amendment No. 1. Agreed.

Representative Hopkins moved that **HB 82,** as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 3-W. Allen, Doss, Holbrook.

**HB 82,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 82,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 247,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved the adoption of the Committee Amendment to **HB 247.** Agreed.

Representative DeFalaise moved that **HB 247,** as amended, be passed.

On the roll call the vote was yeas 69-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Carpenter, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, Mann, Mason, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richarson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stewart, Thomas, J. Turner, R. Turner, Wells, White, Wible, Wright, Yates. Nays 12-J. Allen, Brown, Burnette, Deskins, Dunn, Hancock, Imes, Lindsay, Morgan, Stephens, Tobin, Vincent.

**HB 247,** as amended was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 247,** as amended, was passed be reconsidered and said motion be postponed indefinitly. Agreed.

**HB 253,** with Committee amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the following Floor Amendment No. 1 to **HB 253:**

Amend printed copy of House Bill 253, on page 1, line 16, by deleting "*5.25*" and inserting in lieu thereof "*4.75*";

and on page 1, line 18 by deleting "*1.50* [.75]" and inserting in lieu thereof ".75";

and on page 2, line 7 by deleting "*1.50* [.75]" and inserting in lieu thereof ".75";

and on page 2, line 9 by deleting "*5.25*" and inserting in lieu thereof "*4.75*".

Agreed.

Representative Denham moved that **HB 253,** as amended, be passed.

On the roll call the vote was yeas 84-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 253,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that **HB 253,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 583** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Sale moved that **HB 583** be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 5-Blandford, Burnette, Clapp, Fitzgerald, R. Turner.

**HB 583** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 583** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 181** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved that **SB 181** be passed.

On the roll call the vote was yeas 76-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Yates. Nays 2-Rattliff, Stephens.

**SB 181** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 181** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

## Motions, Petitions and Communications

The following members filed Floor Amendments to Bills: Representative Hancock, No. 2 to **HB 207;** Representative Lindsay, No. 1 to **SB 155;** Representative McGill, Title to **HB 98;** Representative B. Richardson, No. 1 to the Second Committee Substitute for **HB 4;** Representative Sale, No. 1 to **HB 207;** Representative Clarke, No. 2 to the Second Committee Substitute for **HB 4;** Representative Fitzgerald, No. 1 to **HB 435;** Representative Isler, No. 1 to **SB 89;** Representative Morris, No. 1 to **HB 570;** Representative O'Brien, No. 2 to **HB 758.**

Representative Dietz moved the adoption of the following Legislative Citation No. 43:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Kentucky Youth Assembly of the Grant County High School under the excellent leadership of Sandra Lillard for their outstanding and meritorious citizenship. This body commends them for their activities in the furtherance of the understanding and promotion of youth leadership. (Sponsored by Representative Crupper)

Agreed.

Representative Burnette moved the adoption of the following Legislative Citation No. 51:

The House of Representatives of the Commonwealth of Kentucky hereby honors John Jolley of Fulton, Kentucky and congratulates him on having won the eighth grade division of the state American History Month Essay contest. This body commends John Jolley for his outstanding contribution in this Bicentennial year to his school and community. This body further recognizes John Jolley as an exemplary representative of the Commonwealth and extends best wishes to him in his future endeavors. (Sponsored by Representative Burnette)

Agreed.

Representative Craddock requested that she be recorded as voting "yea" on **HB 471.**

Representative Siemens moved that **HB 539** be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 51-B. Adams, Bendl, Bennett, Beshear, Blandford, Blythe, Brinkley, Brown, Carpenter, Clarke, Craddock, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gray, Guenthner, Head, Holbrook, Hopkins, Hughes, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, McGill, Morgan, Nett, Pearl, Priddy, Richards, B. Richardson, Siemens, Stephens, Stewart, Tobin, J. Turner, R. Turner, Wible, Wooden, Yates. Nays 2-Burnette, Hancock.

The motion that **HB 539** be taken from the Clerk's desk and placed in Orders of the Day was adopted.

Representative Gray moved the adoption of the following **HR 103:**

**HR 103,** A RESOLUTION urging the U.S. Congress to investigate the policies and practices of the Tennessee Valley Authority.

WHEREAS, the Tennessee Valley Authority provides electrical power to five rural electric cooperatives and thirteen municipal systems in the Commonwealth of Kentucky; and

WHEREAS, the Tennessee Valley Authority operates two major power generating plants in Kentucky and purchases a substantial amount of Kentucky coal resulting in a profound impact in the social, environmental and economic well being of the Commonwealth; and

WHEREAS, the local and state governmental organizations in Kentucky have no direct input into the policies and practices of the Tennessee Valley Authority by virtue of it being a federal agency; and

WHEREAS, the citizens of the Commonwealth of Kentucky are desirous of having a direct voice in the management and operation of the Tennessee Valley Authority;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Public Works Committee of the United States Senate is urged to hold committee hearings on the policies and practices of the Tennessee Valley Authority with the purpose of determining:

(1) Whether past and present policies and practices have been and are in the best interests of the citizens of the seven states served by the Tennessee Valley Authority;

(2) Whether the Tennessee Valley Authority should be placed under the jurisdiction of the Federal Power Commission; and

(3) Whether the Tennessee Valley Authority should be required to adhere to the provisions of the Federal Administrative Procedures Act.

Section 2. That the Clerk of the House of Representatives of the Commonwealth of Kentucky shall forward immediately copies of this resolution to members of the Public Works Committee, United States Senate and to the Kentucky and Tennessee Congressional Delegations.

**HR 103** was adopted by voice vote.

Representative Imes moved the adoption of the following **HR 101:**

**HR 101,** A RESOLUTION memorializing the Congress to investigate the policies and operations of the Tennessee Valley Authority.

WHEREAS, TVA electric rates have increased substantially greater than the electric rates of private utilities; and

WHEREAS, the only apparent justification for these abnormally high rate increases is an unacceptably high operational cost; and

WHEREAS, legislation is being considered in Congress which would reduce the TVA's high electric rates, increase the TVA board membership, establish a citizen's commission to overview TVA's activities, and permit the TVA to increase its electric rates only once in two years after a public hearing;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Congress be memorialized to investigate the policies and operations of the TVA and to take appropriate action as indicated by the investigation.

Section 2. That copies of this resolution be sent to Kentucky's congressional delegation and to the TVA.

**HR 101** was adopted by voice vote.

Representative Fitzgerald moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Fitzgerald moved that when the House adjourns, it do so by voice vote and until 2:00 p.m., Wednesday, March 10, 1976. Agreed.

Representative LeMaster requested that he be recorded as voting "yea" on **HB 471.** Agreed.

Representative B. Richardson moved that the rules be suspended for Reference of Bills and Resolutions, Introduction of Bills and Resolutions, and Report of Committees. Agreed.

### Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Judiciary-Statutes: **HR 98.**

State Government: **HR 99.**

### Introduction of Bills and Resolutions

**HR 104,** by Representative Blume: A RESOLUTION on retirement benefits for city employes.

**HCR 105,** by Representatives Jones and Richards: A CONCURRENT RESOLUTION to recognize the official flag adopted by the Fiscal Court of Oldham County.

**HB 856,** by Representative Mann: AN ACT relating to property taxes.

**HB 857,** by Representatives Mann and Lindsay: AN ACT relating to construction of statutes.

**HB 858,** by Representative Mason: AN ACT relating to public employes.

**HB 859,** by Representatives Jones and Mason: AN ACT relating to racing.

**HB 860,** by Representatives Muncy and Siler: AN ACT relating to the determination of the economic impact of administrative regulations on consumers.

### Report of Committees

The Committee on Business Organizations and Professions reported **HB 651,** with Committee Substitute and Committee Amendment to the Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 651,** AN ACT relating to public projects.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

(1) As used herein, the terms "public project" and "governmental agency" shall have the same meanings as ascribed to such terms by KRS 58.010.

(2) Any governmental agency may create a nonprofit corporation pursuant to the provisions of KRS 273.161 to 273.390 to act as the agency and instrumentality and the constituted authority of such governmental agency in the acquisition and financing of any public project which may be undertaken by such governmental agency pursuant to the provisions of Kentucky law and thus accomplish a public purpose of such

governmental agency. Such corporation, upon direction of such governmental agency, shall be authorized to issue its bonds, notes or other obligations on behalf of such governmental agency for the aquisition and financing of one or more public projects on behalf of such governmental agency, and may pledge for the amortization of such bonds, notes or other obligations all revenues derived from the operation of such public project or public projects, including specificially all revenues derived from the leasing of such public project or public projects directly to the governmental agency upon whose behalf and upon whose direction such bonds, notes or other obligations are issued.

(3) It shall be provided in any such financing (i) that upon the retirement and discharge of the bonds, notes or other obligations issued by such corporation at the direction of and on behalf of such governmental agency, title to the public project or public projects so acquired shall vest in such governmental agency; (ii) that in the event of default with respect to such bonds, notes or other obligations, the governmental agency shall have the exclusive option to acquire the public project or public projects for the amount required to discharge such bonds, notes or other obligations, and is provided a reasonable time to exercise such option; (iii) that the issuance of such bonds, notes or other obligations shall be directed by and approved by such governmental agency not more than sixty (60) days prior to the date of issue of such obligations; and (iv) that no bonds, notes or other obligations shall be issued by such corporation for and on behalf of such governmental agency except upon express direction of such governmental agency.

(4) Any governmental agency creating a corporation pursuant to this Act to act for and on behalf of, and as the agency and instrumentality of, such governmental agency in the acquisition and financing of a public project or public projects shall, at all times (i) exercise organizational control over such corporation by creating the corporation pursuant to this Act, and retain authority at any and all times to alter or change the structure, organization, programs or activities of the corporation, including the power to terminate existence of the corporation, and shall (ii) exercise supervisory control over such corporation as may be deemed proper by the governmental agency in the administration of the corporation's activities as a constituted authority of such governmental agency, and as may be required from time to time by federal law in order to qualify the corporation to issue bonds, notes or other obligations on behalf of the governmental agency.

(5) It shall be provided, inter alia, in the articles of incorporation of any such corporation created to act as the agency and instrumentality of a governmental agency and to finance public projects for such governmental agency on its behalf and thereby accomplish a public purpose of such governmental agency, (i) that any net revenues of such corporation beyond those necessary for retirement of indebtedness, or implementation of the public purpose or purposes of the corporation and the governmental agency shall not inure to the benefit of any person other than the governmental agency; (ii) that upon dissolution of the corporation, title to all property owned by such corporation shall vest in the governmental agency; and (iii) that the corporation shall be created and operated solely and only to accomplish one or more of the public purposes of the governmental agency and for the acquisition and financing of public projects for and on behalf of such governmental agency.

(6) The governing body of such corporation shall consist solely and only of the following individuals:

(a) Public officials of the governmental agency as ex officio members; or

(b) Persons appointed by the governmental agency or by public officials of the governmental agency.

Notwithstanding the foregoing, a majority of the governing body of the corporation shall be comprised of public officials of the governmental agency as described in sub-paragraph (a) hereof, and the governmental agency shall have the right, at any time and in its sole discretion, to alter the organization of the corporation.

SECTION 2. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

The promulgation of certain income tax regulations by the Internal Revenue Service will preclude cities, counties and other units of government in Kentucky from constructing and acquiring public facilities unless this Act is adopted and implemented. Accordingly, an emergency is declared to exist and this Act shall be effective upon approval by the governor.

The Committee Substitute for **HB 651** is as follows:

**HB 651,** AN ACT relating to public projects.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF CHAPTER 58 OF THE KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

(1)(a) As used therein, the term "Public Project" shall have the same meaning as ascribed to such term by KRS 58.010, and the term "Public Project" shall include, inter alia, but not by way of limitation, public facilities such as sewers, sewage treatment works, water systems, electric and gas systems, streets, sidewalks and other public ways, both vehicular and pedestrian, parks and recreational and sports facilities, hospitals and health facilities, educational facilities, drainage and reclamation projects, jails, municipal buildings, public docks, wharves and port facilities, solid waste disposal facilities, pollution control systems, mass commuting and transport systems, industrial parks, courthouses and other public buildings, public parking and garage facilities, and other edifices, projects and like things and objects intended for governmental and public purposes.

(b) As used herein, the term "Governmental Agency" shall mean any division of the Commonwealth which is a municipal corporation and political subdivision of the Commonwealth of Kentucky, or to which has been delegated the right to exercise part of the sovereign power of the Commonwealth.

(2) Any Governmental Agency may create a nonprofit corporation pursuant to the provisions of KRS 273.161 to 273.390, inclusive, to act as the agency and instrumentality and the constituted authority of such Governmental Agency in the acquisition and financing of any Public Project which may be undertaken by such Governmental Agency pursuant to the provisions of Kentucky law and thus accomplish a public purpose of such Governmental Agency. Such corporation, upon direction of such Governmental Agency, shall be authorized to issue its bonds, notes or other obligations on behalf of such Governmental Agency for the acquisition and financing of one or more Public Projects on behalf of such Governmental Agency, and may pledge for the amortization of such bonds, notes or other obligations all revenues derived from the operation of such Public Project or Public Projects, including specifically all revenues derived from the leasing of such Public Project or Public Projects directly to the Governmental Agency upon whose behalf and upon whose direction such bonds, notes or other obligations are issued.

(3) It shall be provided in any such financing (1) that upon the retirement and discharge of the bonds, notes or other obligations issued by such corporation at the direction of and on behalf of such Governmental Agency, title to the Public Project or Public Projects so acquired shall vest in such Governmental Agency; (ii) that in the event of default with respect to such bonds, notes or other obligations, the Governmental Agency shall have the exclusive option to acquire the Public Project or Public Projects for the amount required to discharge such bonds, notes or other obligations, and is provided a reasonable time to exercise such option; (iii) that the issuance of such bonds, notes or other obligations shall be directed by and approved by such Governmental Agency not more than sixty (60) days prior to the date of issue of such obligations; and (iv) that no bonds, notes or other obligations shall be issued by such corporation for and on behalf of such Governmental Agency except upon express direction of such Governmental Agency.

(4) Any Governmental Agency creating a corporation pursuant to this Act to act for and on behalf of, and as the agency and instrumentality of, such Governmental Agency in the acquisition and financing of a Public Project or Public Projects shall, at all times either (i) exercise organizational control over such corporation by creating the corporation pursuant to this Act, and retain authority at any and all times to alter or change the structure, organization, programs or activities of the corporation, including the power to terminate existence of the corporation, subject to any limitation on the impairment of contracts entered into by such corporation, or shall (ii) exercise supervisory control over such corporation as may be deemed proper by the Governmental Agency in the administration of the corporation's activities as a constituted authority of such Governmental Agency, and as may be required from time to time by federal law in order to qualify the corporation to issue bonds, notes or other obligations on behalf of the Governmental Agency.

(5) It shall be provided, inter alia, in the articles of incorporation of any such corporation and constituted authority created to act as the agency and instrumentality of a Governmental Agency and to finance Public Projects for such Governmental Agency on its behalf and thereby accomplish a public purpose of such Governmental Agency, (i) that any net revenues of such corporation beyond those necessary for retirement of indebtedness, or implementation of the public purpose or purposes of the corporation and the Governmental Agency shall not inure to the benefit of any person other than the Governmental Agency; (ii) that upon dissolution of the corporation, title to all property owned by such corporation shall vest in the Governmental Agency; and (iii) that the corporation shall be created and operated solely and only to accomplish one or more of the public purposes of the Governmental Agency and for the acquistion and financing of Public Projects for and on behalf of such Governmental Agency.

(6) The governing body of such corporation shall consist solely and only of the following individuals:

(a) Public officials of the Governmental Agency as ex officio members; or

(b) Persons appointed by the Governmental Agency or by public officials of the Governmental Agency.

Notwithstanding the foregoing, a majority of the governing body of the corporation shall be comprised of public officials of the Governmental Agency as described in subparagraph (a) hereof.

SECTION 2. A NEW SECTION OF THE KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

The promulgation of certain Income Tax Regulations by the Internal Revenue Service will preclude cities, counties and other units of government in Kentucky from constructing and acquiring public facilities unless this Act is adopted and implemented. Accordingly, an emergency is declared to exist and this Act shall be effective upon approval by the Governor.

The Committee Amendment to the Committee Substitute for **HB 651** is as follows:

Amend printed copy of Committee Amendment to Committee Substitute for House Bill 651, on page 1, line 8, by placing "[ ]" around the words "electric and gas systems,";

and on page 2, line 25, after the word "issued" by adding the words "; Provided, however, that no bonds or other obligations shall be authorized under the provisions of this chapter for the construction or acquisition of telephone , gas or electric facilities";

and on page 5, lines 12-24 by deleting same.

The Committee on Cities reported **HB 719,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 719,** AN ACT relating to rights and duties of policemen and firemen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.015 is amended to read as follows:

*Employes* [Members] of the police and fire departments in cities, *counties* and urban-county governments *in Kentucky* shall abide by and adhere to the rules, regulations and laws set forth by the Kentucky Revised Statutes, and the legislative body of the city in which they are employed, provided, that no such rule, regulation or law shall *be passed by the legislative body, civil-service board, commission, agency, panel or group* [apply] that alters, abridges or otherwise restricts the constitutional rights of said *employes* [members] and said *employes* [members, except when on duty], shall not be restrained from exercising their *constitutional* rights and privileges or from entering into any endeavor enjoyed by all other citizens of the city in which they reside.

*(2) Police and firefighters in cities and counties in Kentucky shall have the right to seek and be elected to public office. They shall be given a leave of absence for the legal term of such elective office and shall be allowed to remain a member of the pension system in the city or county where they are employed and shall continue to pay any costs required to continue to be a member of the pension system. The member at his request shall be returned to the previous position held at the time of the leave of absence.*

The Committee Amendment to **HB 719** is as follows:

Amend printed copy of House Bill 719, on page 2, line 1, after the word "for" insert the following: "*the period of the campaign and for*"

and on page 2, line 4, after the word "costs" insert the following:"*for himself and the governmental unit*"

and on page 2, at the end of line 7 insert the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 18 IS CREATED TO READ AS FOLLOWS:

(1) Employes of the state government in Kentucky shall abide by and adhere to the rules. regulations and laws set forth by the Kentucky Revised Statutes, provided. that no such rule, regulation or law shall be passed by the general assembly, civil-service board, commission. agency, panel or group that alters, abridges or otherwise restricts the constitutional rights of the employes and the employes shall not be restrained from exercising their constitutional rights and privileges or from entering into any endeavor enjoyed by all other citizens of the state.

(2) Employes of the state of Kentucky shall have the right to seek and be elected to public office. They shall be given a leave of absence for the period of the campaign and for the legal term of such elective office and shall be allowed to remain a member of the pension system of the state and shall continue to pay any

costs for himself and the state required to continue to be a member of the pension system. The member at his request shall be returned to the previous position held at the time of the leave of absence.

SECTION 3. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Employes in all cities, counties and urban-county government in Kentucky shall abide by and adhere to the rules, regulations and laws set forth by the Kentucky Revised Statutes, and the legislative body of the city or county in which they are employed, provided, that no such rule, regulation or law shall be passed by the legislative body, civil-service board, commission, agency, panel or group that alters, abridges or otherwise restricts the constitutional rights of the employes and the employes shall not be restrained from exercising their constitutional rights and privileges or from entering into any endeavor enjoyed by all other citizens of the city in which they reside.

(2) Employes in cities, counties and urban-county governments in Kentucky shall have the right to seek and be elected to public office. They shall be given a leave of absence for the period of the campaign and for the legal term of such elective office and shall be allowed to remain a member of the pension system in the city, county or urban-county government where they are employed and shall continue to pay any costs for himself and the governmental unit required to continue to be a member of the pension system. The member at his request shall be returned to the previous position held at the time of the leave of absence."

The Committee Title Amendment to **HB 719** is as follows:

Amend printed copy of House Bill 719, on page 1, by amending the title to read as follows: AN ACT relating to rights and duties of public employes.

The Committee on Banking and Insurance reported **HB 738, HB 741, HB 754,** and **HR 87** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 738,** AN ACT relating to financial statements of insurance companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.3-240 is amended to read as follows:

(1) Each authorized insurer shall annually, before the first day of March, file with the commissioner a true statement of its financial condition, transactions, and affairs as of December 31 preceding. The statement shall be on forms and shall contain information as required by this code and by the commissioner, and shall be verified by the oaths of at least two (2) of the insurer's principal officers. The annual statement of a reciprocal insurer shall be made and verified by its attorney in fact.

(2) The commissioner shall annually during November furnish each such insurer, duplicate copies of annual statement forms as next required to be filed. The statement forms shall be in general form and context as approved by the National Association of Insurance Commissioners for the kinds of insurance to be reported upon, and as supplemented for additional information required by the commissioner.

(3) The annual statement of an alien insurer shall relate only to its assets, transactions, and affairs in the United States unless the commissioner requires otherwise. The statement shall be verified by the insurer's United States manager or by its officers duly authorized.

(4) The commissioner may suspend or revoke the authority of any insurer failing to file its annual statement when due or failing so to file during any extension of time therefor which the commissioner, for good cause, may grant.

*(5) Notwithstanding the provisions of this section or any other law of this commonwealth, an authorized insurer may, subject to the requirements of regulations adopted by the commissioner, publish financial statements or information based on financial statements prepared on a basis which is in accordance with requirements of a competent authority and which differs from the basis of the statements which have been filed with the commissioner in compliance with this section. Such differing financial statements or information based on such financial statements shall not be made the basis for the application of any provision of this chapter not relating solely to the publication of financial information unless such provision specifically so requires.*

Section 2. KRS 304.12-050 is amended to read as follows:

Any advertisement or other dissemination of information by or on behalf of an insurer stating the insurer's assets shall in the same connection and with equal conspicuousness, state the insurer's liabilities, computed on the *same* basis [allowed for its annual statements]. Any such statement purporting to show the insurer's capital shall state only the amount of actual paid-in capital.

Section 3. Whereas, insurance companies must prepare annual statements to stockholders for distribution no later than April of each year and whereas, insurers should utilize information to stockholders on the same basis as provided for in this Act during the year 1976, an emergency is declared and this Act shall become effective upon passage by the general assembly and approval by the governor.

**HB 741,** AN ACT relating to motor vehicle insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.39-020 is amended to read as follows:

As used in this subtitle:

(1) "Added reparation benefits" mean benefits provided by optional added reparation insurance.

(2) "Basic reparation benefits" mean benefits providing reimbursement for net loss suffered through injury arising out of the operation, maintenance or use of a motor vehicle, subject, where applicable, to the limits, deductibles, exclusions, disqualifications and other conditions provided in this subtitle. The maximum amount of basic reparation benefits payable for all economic loss resulting from injury to any one person as the result of one (1) accident shall be ten thousand dollars ($10,000), regardless of the number of persons entitled to such benefits or the number of providers of security obligated to pay such benefits. Basic reparation benefits consist of one (1) or more of the elements defined as "loss."

(3) "Basic reparation insured" means:

(a) A person identified by name as an insured in a contract of basic reparation insurance complying with this subtitle; and

(b) While residing in the same household with a named insured, the following persons not identified by name as an insured in any other contract of basic reparation insurance complying with this subtitle: a spouse or other relative of a named insured; and a minor in the custody of a named insured or of a relative residing in the same household with the named insured if he usually makes his home in the same family unit, even though he temporarily lives elsewhere.

(4) "Injury" and "injury to person" mean bodily harm, sickness, disease, or death.

(5) "Loss" means accrued economic loss consisting only of medical expense, work loss, replacement services loss, and, if injury causes death, survivor's economic loss and survivor's replacement services loss. Noneconomic detriment is not loss. However, economic loss is loss although caused by pain and suffering or physical impairment.

(a) "Medical expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, physical rehabilitation, rehabilitative occupational training, and other remedial treatment and care. "Medical expense" may include non-medical remedial treatment rendered in accordance with a recognized religious method of healing. The term includes a total charge not in excess of one thousand dollars ($1,000) per person for expenses in any way related to funeral, cremation, and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless intensive care is medically required. Medical expense shall include all healing arts professions licensed by the Commonwealth of Kentucky. There shall be a presumption that any medical bill submitted is reasonable.

(b) "Work loss" means loss of income from work the injured person would probably have performed if he had not been injured, and expenses reasonably incurred by him in obtaining services in lieu of those he would have performed for income, reduced by any income from substitute work actually performed by him;

(c) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but for the benefit of himself or his family, if he had not been injured.

(d) "Survivor's economic loss" means loss after decedent's death of contributions of things of economic value to his survivors, not including services they would have received from the decedent if he had not suffered the fatal injury, less expenses of the survivors avoided by reason of decedent's death.

(e) "Survivor's replacement services loss" means expenses reasonably incurred by survivors after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if he had not suffered the fatal injury, less expenses of the survivors avoided by reason of the decedent's death and not subtracted in calculating survivor's economic loss.

(6) "Use of a motor vehicle" means any utilization of the motor vehicle as a vehicle including occupying, entering into and alighting from it. It does not include (i) conduct within the course of a business of repairing, servicing, or otherwise maintaining motor vehicles unless the conduct occurs off the business premises, or (ii) conduct in the course of loading and unloading the vehicle unless the conduct occurs while occupying, entering into, or alighting from it.

(7) "Motor vehicle" means *any vehicle which transports persons or property upon the public highways of the commonwealth, propolled by other than muscular power except road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails and such vehicles as are propelled by electrical power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the said limits of any municipality.* [:]

[(a) A vehicle of a kind required to be registered under KRS Chapter 186.]

(8) "Public roadway" means a way open to the use of the public for purposes of motor vehicle travel.

(9) "Net loss" means loss less benefits or advantages, from sources other than basic and added reparation insurance, required to be subtracted from loss in calculating net loss.

(10) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damages recoverable under the tort law of this Commonwealth. The term does not include punitive or exemplary damages.

(11) "Owner" means a person, other than a lienholder or secured party, who owns or has title to a motor vehicle or is entitled to the use and possession of a motor vehicle subject to a security interest held by another person. The term does not include a lessee under a lease not intended as security.

(12) "Reparation obligor" means an insurer, self-insurer, or obligated government providing basic or added reparation benefits under this subtitle.

(13) "Survivor" means a person identified in KRS 411.130 as one entitled to receive benefits by reason of the death of another person.

(14) A "user" means a person who is a basic reparation insured or would be a basic reparation insured if such person had not rejected the limitations upon his tort rights as provided in KRS 304.39-060(4).

(15) "Maintaining a motor vehicle" means having legal custody, possession or responsibility for a motor vehicle by one other than an owner or operator.

(16) "Security" means any continuing undertaking complying with this subtitle, for payment of tort liabilities, basic reparation benefits, and all other obligations imposed by this subtitle.

Section 2. KRS 304.39-050 is amended to read as follows:

(1) The basic reparation insurance applicable to bodily injury to which this subtitle applies is the security covering the vehicle occupied by the injured person at the time of the accident or, if the injured person is a pedestrian, the security covering the vehicle which struck such pedestrian. If the reparation obligor providing such insurance fails to make payment for loss within thirty (30) days after receipt of reasonable proof of the fact and the amount of loss sustained, the injured person shall be entitled to payment under any contract of basic reparation insurance under which he is a basic reparation insured and the insurer making such payments shall be entitled to full reimbursement from the reparation obligor providing the security covering the vehicle. A pedestrian, as used herein, means any person who is not *making "use* [an operator or user] of a motor vehicle" at the time his injury occurs.

(2) If there is no security covering the vehicle, any contract of basic reparation insurance under which the injured person is a basic reparation insured shall apply.

(3) No person shall recover basic reparation benefits from more than one reparation obligor as a result of the same accident, except as provided in KRS 304.39-140(4) nor in excess of ten thousand dollars ($10,000) as the result of the same accident.

Section 3. KRS 304.39-060 is amended to read as follows:

(1) Any person who registers, operates, maintains or uses a motor vehicle on the public roadways of this Commonwealth shall, as a condition of such registration, operation, maintenance or use of such motor vehicle and use of the public roadways, be deemed to have accepted the provisions of this subtitle, and in particular those provisions which are contained in this section.

(2) (a) Tort liability with respect to accidents occuring in this Commonwealth and arising from the ownership, maintenance, or use of a motor vehicle is "abolished" for damages because of bodily injury, sickness or disease to the extent the basic reparation benefits provided in this subtitle are payable therefor, or

that would be payable but for any deductible authorized by this subtitle, under any insurance policy or other method of security complying with the requirements of this subtitle [, except to the extent non-economic detriment qualifies under subsection (2)(b) hereof].

(b) In any action of tort brought against the owner, registrant, operator or occupant of a motor vehicle with respect to which security has been provided as required in this subtitle, or against any person or organization legally responsible for his acts or omissions, a plaintiff may recover damages in tort [for pain, suffering, mental anguish and inconvenience] because of bodily injury, sickness or disease arising out of the ownership, maintenance, operation or use of such motor vehicle only in the event that the benefits which are payable for such injury as "medical expense" or which would be payable but for any exclusion or deductible authorized by this subtitle exceed one thousand dollars ($1,000), or the injury or disease consists in whole or in part of permanent disfigurement, a fracture to a weight-bearing bone, a compound, comminuted, displaced or compressed fracture, loss of a body member, permanent injury within reasonable medical probability, permanent loss of bodily function or death. Any person who is entitled to receive free medical and surgical benefits shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least one thousand dollars ($1,000).

(c) Tort liability is not so limited for injury to a person who is not an owner, operator, maintainer or user of a motor vehicle within subsection (1) of this section.

(3) For purposes of this section and the provisions on reparation obligor's rights of reimbursement, subrogation, and indemnity, a person does not intentionally cause harm merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of harm.

(4) Any person may refuse to consent to the limitations of his tort rights and liabilities as contained in this section. Such rejection must be in writing in a form to be prescribed by the department of insurance and must have been executed and filed with the department at a time prior to any motor vehicle accident for which such rejection is to apply. Such rejection form together with a reasonable explanation thereof shall be furnished by the reparation obligor with each policy to each prospective insurance applicant. Such rejection form shall affirmatively state in bold print that acceptance of this form of insurance denies the applicant the right to sue a negligent motorist unless certain requirements contained in the policy of insurance are met. Rejection by a person who is under legal disability shall be made on behalf of such person by his legal guardian, *committee* or his natural parent. The failure of such guardian, *committee* or a natural parent of a person under legal disability to file a rejection, within six (6) months from the date that this subtitle would otherwise become applicable to such person, shall *not* be deemed to be an affirmative acceptance of all provisions of this subtitle *for injury sustained during such six (6) months period.* Provided, however, any person who, at the time of an accident, who does not have basic reparation insurance but has not formally rejected such limitations of his tort rights and liabilities and has at such time in effect security equivalent to that required by KRS 304.39-110 shall be deemed to have fully rejected such limitations within meaning of this section for that accident only.

(5) Any rejection must be filed with the department of insurance and shall be for a period of five (5) years from the date of its execution unless revoked in writing. A copy of such rejection or revocation must be filed with each insurance company providing an automobile policy under which the individual is a named insured as defined in the policy.

(6) Every insurance company when issuing an automobile policy to a resident of this Commonwealth must inform the buyer in writing in a form to be prescribed by the insurance commissioner of his right to reject the limitations of his tort rights and liabilities under this subtitle in the manner provided in subsections (4) and (7) of this section.

(7) Any rejection shall result in the full retention by the individual of his tort rights and his tort liabilities. Any person injured by a motor vehicle operator who has such rejection on file may claim his full damages, including nonpecuniary damages, or, if such injured person has not rejected his own tort limitations, he may also claim basic reparation benefits from the appropriate security on the vehicle as established under KRS 304.39-050. If such provider of security is other than the one providing security for the operator who has rejected the limitations, such provider shall be subrogated to the rights of the injured person to the extent of reparation benefits paid against the owner and operator of the vehicle.

(8) No person who has rejected the tort limitations under this section, except as provided in subsection (9) of this section or KRS 304.39-140(5), may collect basic reparation benefits.

(9) Any owner or operator of a motorcycle, as defined in Kentucky Revised Statutes, may file a rejection as described in subsections (4) and (5), which will apply solely to the ownership and operation of a motorcycle but will not apply to injury resulting from the ownership, operation or use of any other type of motor vehicle.

Section 4. KRS 304.39-070 is amended to read as follows:

(1) "Secured person" means the owner, operator or occupant of a secured motor vehicle, and any other person or organization legally responsible for the acts or omissions of such owner, operator or occupant.

(2) A reparation obligor which has paid or may become obligated to pay [basic] reparation benefits shall be subrogated to the extent of its obligations to all of the rights of the person suffering the injury against any person or organization other than a secured person.

(3) A reparation obligor shall have the right to recover [basic] reparation benefits paid to or for the benefit of a person suffering the injury from [the reparation obligor of] a secured person as provided in this subsection. The reparation obligor shall elect to assert its claim (i) by joining as a party in an action that may be commenced by the person suffering the injury, or (ii) to reimbursement, pursuant to *KRS 304.39-290* [KRS 304.39-300], sixty (60) days after said claim has been presented to the reparation obligor of secured persons. The right to recover [basic] reparation benefits paid under (ii) shall be limited to those instances established as applicable by the Kentucky Insurance Arbitration Association as provided in *KRS 304.39-290* [KRS 304.39-300] .

Section 5. KRS 304.39-090 is amended to read as follows:
An owner of a motor vehicle registered in this Commonwealth who *fails to provide or* ceases to maintain security as required by the provisions on security may not operate or permit operation of the vehicle in this Commonwealth until security has again been provided as required by this subtitle. All other owners shall provide such security while operating a motor vehicle in this Commonwealth.

Section 6. KRS 304.39-110 is amended to read as follows:

(1) The requirement of security [for payment of tort liabilities] is fulfilled by providing:

(a) Liability coverage of not less than ten thousand dollars ($10,000) for all damages arising out of bodily injury sustained by any one person as a result of any one accident, and not less than twenty thousand dollars ($20,000) for all damages arising out of bodily injury sustained as a result of any single accident caused by accident arising out of ownership, maintenance, use, loading, or unloading, of the secured vehicle;

(b) Liability coverage of not less than five thousand dollars ($5,000) for all damages arising out of damage to or destruction of property, including the loss of use thereof, as a result of any one accident arising out of ownership, maintenance, use, loading, or unloading, of the secured vehicle;, [and]

(c) That the liability coverages apply to accidents during the contract period in a territorial area not less than the United States of America, its territories and possessions, and Canada*; and*[.]

*(d) Basic reparation benefits as defined in KRS 304.39-020(2).*

(2) Subject to the provisions on approval of terms and forms, the requirement of security for payment of tort liabilities may be met by a contract the coverage of which is secondary or excess to other applicable valid and collectible liability insurance. To the extent the secondary or excess coverage applies to liability within the minimum security required by this subtitle it must be subject to conditions consistent with the system of required liability insurance established by this subtitle.

Section 7. KRS 304.39-140 is amended to read as follows:

(1) On and after the effective date of this subtitle, each reparation obligor of the owner of a vehicle required to be registered in this Commonwealth shall, upon the request of a reparation insured, be required to provide added reparation benefits for economic loss in units of ten thousand dollars ($10,000) per person subject to the lesser of:

(a) Forty thousand dollars ($40,000) in added reparation benefits; or

(b) The limit of security provided for liability to any one (1) person in excess of the requirements of KRS 304.39-110(1)(a).

(2) Each basic reparation obligor shall be permitted to incorporate in added reparation benefits coverage such terms, conditions and exclusions as may be consistent with premiums charged. The amounts payable under added reparation benefits may be duplicative of benefits received from collateral source benefits, or may provide for reasonable waiting periods, deductibles or coinsurance provision. The added reparation obligor shall be subrogated, subject to KRS 304.39-070 and *304.39-290* [304.39-300], to the injured person's right of recovery against any responsible third party.

(3) If the injured person, or injured persons, is entitled to damages under KRS 304.39-060 from the liability insurer of a second person, a self-insurer or an obligated government, collection of such damages shall have priority over the rights of the subrogee for its reimbursement of [added] reparation benefits paid to or in behalf of such injured person or persons.

(4) Basic reparation insurers shall make available upon request deductibles in the amounts of two hundred fifty dollars ($250), five hundred dollars ($500) and one thousand dollars ($1,000) from all basic reparation benefits otherwise payable, except that if two (2) or more basic reparation insureds to whom the deductible is applicable under the contract of insurance are injured in the same accident, the aggregate amount of the deductible applicable to all of them shall not exceed the specified deductible, which amount where necessary shall be allocated equally among them. Any person who is a basic reparation insured under an insurance policy issued with no deductible or with a deductible of a lesser amount than that under which he

receives basic reparation benefits payments, shall be entitled to be paid under such policy the difference between the benefits he is actually paid and the benefits which would have been paid had his benefits been payable under such policy.

(5) Reparation obligors shall make available upon request to those persons who have rejected their tort limitations, in accordance with KRS 304.39-060(4), basic reparation benefits coverage and added reparation benefits.

Section 8. KRS 304.39-160 is amended to read as follows:

(1) A person entitled to basic reparation benefits because of injury covered by this subtitle may obtain them through the assigned claims plan established pursuant to the provisions relating thereto and in accordance with the provisions on time for presenting claims under the assigned claims plan if:

(a) Basic reparation insurance is not applicable to the injury for a reason other than those specified in the provisions on converted vehicles and intentional injuries;

(b) Basic reparation insurance applicable to the injury cannot be identified;

(c) Basic reparation insurance applicable to the injury is inadequate to provide the contracted for benefits because of financial inability of a reparation obligor to fulfill its obligations; or

(d) A claim for basic reparation benefits is rejected by a reparation obligor for a reason other than that the person is not entitled under this subtitle to the basic reparation benefits claimed.

(2) If a claim qualifies for assignment under paragraphs (c) or (d) of subsection (1), the assigned claims bureau or any reparation obligor to whom the claim is assigned is subrogated to all rights of the claimant against any reparation obligor, its successor in interest or substitute, legally obligated to provide basic reparation benefits to the claimant, for basic reparation benefits provided by the assignee.

(3) Except in case of a claim assigned under subsection (1)(d), if a person receives basic reparation benefits through the assigned claims plan, all benefits or advantages he receives or is entitled to receive as a result of the injury, other than by way of succession at death, death benefits from life insurance, or in discharge of familial obligations of support, are subtracted in calculating net loss.

(4) A person who sustains injury while occupying a motor vehicle owned by such person and with respect to which security is required by the provisions on security and who fails to have such security in effect at the time of an accident in this Commonwealth causing such injury, shall not obtain through the assigned claims plan basic reparation benefits, including benefits otherwise due him as a survivor [, unless such person's failure to have such security in effect at the time of such accident was solely occasioned by the failure of the reparation obligor of such person to provide the basic reparation benefits required by this subtitle].

Section 9. KRS 304.39-310 is amended to read as follows:

(1) All reparation obligors shall be obligated to provide to *each policyholder* [a reparation insured or an insured person who has rejected his tort limitations as provided in KRS 304.39-060] a certificate or other evidence of insurance whenever coverage required by KRS 304.39-110 is issued or *at any other time when requested by the policyholder. Such evidence of insurance shall be retained by the owner and carried in the motor vehicle at all times, and shall be prima facie evidence of compliance with subtitle 30. The inability of an owner or operator to produce such copy shall be prima facie evidence of non-compliance and shall constitute good cause for any law enforcement officer to issue a citation for revocation of certificate of registration and forfeiture or registration plates.* [renewed upon policy anniversary date;]

*(2) Any company initiating cancellation or nonrenewal of any insurance policy issued in Kentucky and providing the security required under KRS 304.39 shall give notice to the insured in a manner approved by the insurance commissioner of the security requirements and penalty provisions.*

*(3)* [(2)] An owner or registrant of a motor vehicle with respect to which security is required under KRS 304.39-110, who fails to have such security when the motor vehicle is involved in an accident shall have all the rights and obligations of a reparation obligor, and any other reparation obligor which has paid or may become obligated to pay basic or added reparation benefits to an injured person under a basic or added reparation contract or under the terms of the assigned claims plan shall be subrogated to the rights of the injured person against such owner or registrant.

Section 10. KRS 304.99-050 is amended to read as follows:

*(1)* An owner or registrant of a motor vehicle with respect to which security is required by this subtitle, who operates the motor vehicle or permits it to be operated in this Commonwealth without having in full force and effect security complying with KRS 304.39-110, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500), *and shall forfeit his certificate of registration and registration plates for such vehicle for a period of not less than sixty (60) days and until he has acquired such insurance coverage.*

*(2) Any motor vehicle owner who is convicted of showing or causing another person to show an investigating officer evidence of insurance as required under KRS 304.39-310, which he knows to represent insurance that is not in force shall be fined not less than $250 nor more than $1,000, or confined in jail for not*

*less than 30 days nor more than 90 days, or both; and shall forfeit his certificate of registration and registration plates for his vehicle or vehicles for a period of not less than six months and until he has acquired the required security for his vehicles.*

SECTION 11. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:
If, in the investigation of any motor vehicle accident or traffic violation it appears that any vehicle involved therein is uninsured, the law enforcement officer making the investigation shall issue a citation to the owner of the vehicle requiring such owner to appear in a court of proper jurisdiction for violation of KRS 304.99-050.

SECTION 12. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:
Upon a conviction of a violation of KRS 304.99-050, the court shall give notice of the revocation of the certificate of registration and the forfeiture of registration plates to the bureau of motor vehicle regulation and the county court clerk of the county where the certificate of registration was issued.

Section 13. KRS 304.39-330 is repealed.

Section 14. The effective date of this Act is July 1, 1976.

**HB 754,** AN ACT permitting the imposition of a late charge on past due insurance accounts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.30-010 is amended to read as follows:
The provisions of this subtitle shall not apply with respect to: (1) any insurer licensed to do business in this state, (2) any banking institution, trust, loan, mortgage, safe deposit company, or title insurer, building association, credit union, moneylenders, or common trust fund authorized to do business in this state, [and] (3) the inclusion of a charge for insurance in connection with an instalment sale of a motor vehicle made in accordance with KRS chapter 190, *and (4) the inclusion of a late charge not to exceed 18 percent per annum on insurance premium accounts held by any agent once those accounts remain unpaid for a period of 30 days beyond the date that the original premium was due and owing.*

Section 2. KRS 304.14-030 is amended to read as follows:
"Premium" is the consideration for insurance, by whatever name called. Any "assessment," or any "membership," "policy," "survey," "inspection," "service" or similar fee or other charge in consideration for an insurance contract is deemed part of the premium. *In addition to the ordinary premium charges there may be imposed a late charge not to exceed 18 per cent per annum on insurance premium accounts once those accounts remain unpaid for a period of 30 days beyond the date that the original premium was due and owing. Such charges shall be clearly indicated on all bills and statements of account.*

**HR 87,** A RESOLUTION directing the Legislative Research Commission staff in conjunction with the Joint Interim Committee on Banking and Insurance to conduct a study of the role of the agent in transacting insurance, his qualifications for appointment, the state's licensing requirements, and his duties and responsibilities to the insurance companies and to the insuring public.

WHEREAS, the insurance agent occupies a dual role in the business community, representing his principal and, at the same time, representing the members of the insuring public which he serves; and

WHEREAS, to successfully fulfill his role, the insurance agent must adhere to the highest standards of ethical conduct, displaying honesty, and integrity in all of his dealings; and

WHEREAS, an increasing number of instances of dishonesty, and incompetency on the part of insurance agents have come to the attention of the members of the House of Representatives of the Kentucky General Assembly; and

WHEREAS, for the protection of the insuring public closer screening of applicants for licensing as insurance agents and more stringent regulation of licensed agents appears to be required;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission staff in conjunction with the Joint Interim Committee on Banking and Insurance is directed to make or cause to be made a comprehensive study of the role of the agent in transacting insurance, his qualifications for appointment, the state's licensing requirements, and his duties and responsibilities to the insurance companies and to the insuring public.

Section 2. The Department of Insurance is directed to cooperate with, to make available, upon request, such documents, data, and records as are relevant, and to provide full assistance and information to the Legislative Research Commission in conducting this study.

Section 3. The Joint Interim Committee on Banking and Insurance shall, on or before September 30, 1977, report its findings and make recommendations for legislation pertinent to the purposes of this resolution to the Legislative Research Commission and the 1978 regular session of the General Assembly.

Section 4. Staff services to be utilized in completing this study are estimated to cost $8,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

The Committee on Business Organizations and Professions reported **HB 787** with Committee Amendment attached thereto, **HB** 772, **HB 561, HB 720, HB 756,** and **HB 763** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 787,** AN ACT relating to alcoholic beverages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 244.260 is amended to read as follows:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than eight (8) ounces each of distilled spirits or six (6) ounces of wine, and not exceeding one (1) *gallon* [quart] each of distilled spirits or fifty-five (55) gallons each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths (2 4/10) nor more than three (3) wine gallons.

The Committee Amendment to **HB 787** is as follows:

Amend printed copy of House Bill 787, on page 1, line 11 following "as the case may be" except that equivalent metric standards of fill approved in regulations adopted by the United States Secretary of the Treasury, pursuant to the Federal Alcohol Administration Act governing standards of fill now in force, or as they may be hereafter amended, shall be followed in the bottling, storing, transporting, possession, and selling of distilled spirits and wine in the state of Kentucky.

**HB 772,** AN ACT relating to coin-operated devices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 528.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Advancing gambling activity"— person "advances gambling activity" when, acting other than as a player, he engages in conduct that materially aids any form of gambling activity. Such conduct includes but is not limited to conduct directed toward the establishment of the particular game, contest, scheme, device or activity involved; toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor; toward the solicitation or inducement of persons to participate therein; toward the actual conduct of

the playing phases thereof; toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person who gambles at a social game of chance on equal terms with other participants does not otherwise advance gambling activity by performing acts, without remuneration or fee, directed toward the arrangement or facilitation of the game as inviting persons to play, permitting the use of premises therefor and supplying equipment used therein.

(2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets upon the outcome of future contingent events from members of the public as a business.

(3) "Gambling" means staking or risking something of value upon the outcome of a contest, game, gaming scheme or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.

(4) "Gambling device" means:

(a) Any so-called slot machine or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and which when operated may deliver, as a result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(b) Any other machine or any mechanical or other device (including but not limited to roulette wheels, gambling tables and similar devices) designed and manufactured primarily for use in connection with gambling and which when operated may deliver, as the result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.

(c) But, the following are not to be considered gambling devices within this definition:

1. Devices dispensing or selling combination or French pools on licensed, regular racetracks during races on said tracks.

2. Electro-mechanical pinball machines specially designed, constructed, set up and kept to be played for amusement only; provided any such pinball machine shall be made to receive and react to the deposit of one [five or ten cent] coin *not to exceed twenty-five cents (25c)* and no more during the course of a game; provided the ultimate and only award given directly or indirectly to any player for the attainment of a winning score or combination on any such pinball machine shall be the right to play one or more additional games immediately on the same device at no further cost; provided the maximum number of free games that can be won, registered, or accumulated at one time in operation of any such pinball machine shall not exceed thirty free games; provided any such pinball machine shall be made to discharge accumulated free games only by reactivating the playing mechanism once for each game released; and provided any such pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded or discharged. Nonetheless, a pinball machine shall be a gambling device if a person gives or promises to give money, tokens, merchandise, premiums or property of any kind for scores, combinations or free games obtained in playing such pinball machine in which such person has an interest as owner, operator, keeper or otherwise.

(5) "Lottery and gift enterprise" means:

(a) A gambling scheme in which:

1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one or more of which are to be designated the winning ones; and

2. The winning chances are to be determined by a drawing or by some other method based upon the element of chance; and

3. The holders of the winning chances are to receive something of value.

(b) A gift enterprise or referral sales plan which meets the elements of a lottery listed in subsection (5)(a) is to be considered a lottery under this chapter.

(6) "Mutuel" or "the numbers games" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.

(7) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who engages in "bookmaking" as defined in subsection (2) is not a "player." The status of a "player" shall be a defense to any prosecution under this chapter.

(8) "Profiting from gambling activity"— person "profits from gambling activity" when, other than as a player, he accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity.

(9) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or

property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

**HB 561,** AN ACT relating to electricians.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 227.450 is amended to read as follows:

As used in KRS 227.450 to 227.500 unless the context otherwise requires:

(1) "Electrical contractor" means any individual, partnership or corporation that engages in the business of or employs others for the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power;

(2) "Electrician" means any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power;

(3) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(4) "Electrical inspector" means any person *certified by the board of examiners pursuant to this Act who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the National Electrical Code incorporated in Article 1 of the Standards of Safety of the commonwealth of Kentucky* [employed by a city or county and engaged in the inspection of wiring used for the purpose of furnishing heat, light, or power].

Section 2. KRS 227.460 is amended to read as follows:

*KRS 227.450 to 227.500 shall not apply to installations under the exclusive control of electric utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located out doors on property owned or leased by the utility or on public highways, streets or roads, or outdoors by established rights on private property.* [(1) KRS 227.450 to 227.500 apply to cities of the second and third classes, and counties containing those cities.]

[(2) KRS 227.450 to 227.500 shall not apply to rural electric cooperatives, to factory maintenance employes or any employes of the utility companies, railroads or municipalities in pursuit of their respective employer's business.]

SECTION 3. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) The commissioner of insurance shall require electrical inspectors to be certified by a board of examiners appointed by him. The board shall be composed of six members; one registered electrical engineer with five years of experience as an inspector of light and power wiring, one electrical inspector recommended by Kentucky Electrical Inspectors Association, one registered electrical engineer with five years of experience in the design of wiring systems, one electrical contractor engaged in the installation of light and power wiring, and one public utility company representative. The state fire marshal shall serve as chairman of the board. The office of state fire marshal shall maintain all records and perform all administrative functions for the board.

(2) The members of the board shall establish qualification requirements for the certification of electrical inspectors, schedule examinations for certification at regular intervals, and issue certificates. Examinations shall be based on the National Electrical Code.

(3) The members of the board of examiners shall serve without salary, and shall receive their actual necessary expenses incurred while in the performance of their duties as members of the board, to be paid in the same manner as in the case of other state officers.

(4) Electrical inspectors who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code, for a period of five (5) years, may be certified on the basis of knowledge of the subject and experience without examination.

(5) It shall be the duty of the board of examiners to investigate the alleged misconduct of any electrical inspector as certified under this Act. The board may, after a public hearing, suspend or revoke certification of any electrical examiner.

(6) Any electrical inspector whose license is revoked or suspended may appeal from such order of revocation or suspension within thirty (30) days to the Franklin Circuit Court. The court may stay the order of suspension or revocation pending the appeal. The board shall forthwith prepare an official certified record which shall contain a copy of all proceedings and orders of the board appealed from, and a transcript of testimony and evidence, or summary record thereof and file the same within thirty (30) days with the court.

No new or additional evidence shall be introduced in the circuit court except as to fraud or misconduct, and the court after hearing shall enter a judgment sustaining or setting aside the order of suspension or revocation.

SECTION 4. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) An electrical inspector who certifies an electrical installation shall furnish and attach an approval sticker, bearing his signature and certification number in a conspicuous place on the main service entrance equipment. He shall also provide the owner of the electrical installation or his authorized agent a certificate of approval if the same is requested. A complete record of each inspection shall be kept by the inspector and these records shall be made available to the board of examiners upon its request.

(2) No electrical inspector shall attempt to supplant, overrule or otherwise invalidate the judgment of another electrical inspector whose services for a particular building, structure or other project have been solicited by an owner, contractor, municipality or other person without first obtaining express written consent from the designated inspector's office supervising the original inspector. Failure of an electrical inspector to observe this provision shall subject said inspector to review by the board of examiners with possible suspension of certification for a period not to exceed one (1) year from the date of the board of examiner's ruling:

(3) An electrical inspector who certifies an electric installation, when in fact no inspection was made, shall be subject to revocation or suspension of his certificate.

Section 5. KRS 227.990 is amended to read as follows:

Any person who violates any provision of KRS 227.200 to 227.400 or any provision of a lawful order, rule or regulation made under the provisions of KRS 227.200 to 227.400, or who induces another to violate any provisions of KRS 227.200 to 227.400 or of any lawful order, rule or regulation made thereunder, shall be fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500), or confined in the county jail for not more than sixty (60) days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense. *Any electrical inspector who certifies an electrical installation when in fact no inspection was made, in addition to possible revocation of certificate, shall be fined not less than one hundred dollars ($100) or more than five hundred dollars ($500), or confined in the county jail for not more than thirty (30) days, or both.*

Section 6. KRS 227.489 is hereby repealed.

**HB 720,** AN ACT relating to vending machines.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

As used in this Act, "vending machine" means any lawful coin operated machine which has no element of chance and which vends a product or merchandise as a result of a coin being deposited in such machine.

SECTION 2. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

(1) The maximum sales price that may be charged for merchandise dispensed by a vending machine shall be not more than forty percent (40%) above the cost of the product dispensed.

(2) The cost of the product shall include the actual cost to the vender of the product or merchandise plus the cost of any container dispensed, transportation costs, and all taxes.

**HB 756,** AN ACT relating to persons who may be employed.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 244.090 is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two (2) years.

(b) Is under the age of twenty (20) years, except in a bottling house or room *or warehouse or factory* of a licensed distiller, vintner or brewer or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory or as provided in KRS 244.087.

(c) Is not a citizen of the United States or has not had an actual bona fide residence in this commonwealth for at least one (1) year next before the date of his employment, provided the above residence requirement shall not apply to persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce.

(d) Within two (2) years prior to the date of his employment, has had any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of chapter 241, 243 or 244 or of any other such act or ordinance.

(2) Violation of this section shall subject both employer and employe to penalties provided in this chapter, and shall be cause for revocation of license.

**HB 763,** AN ACT relating to proprietary education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) "Business college," "proprietary school," "proprietary college," "independent business school," "business school," "technical or trade school or institute," or "school" means an educational institution privately owned and operated by an individual, partnership, association or corporation offering training in business, trade, technical, industrial or related areas through residence, extension or correspondence for which tuition is charged.

(2) "Board" means the state board for proprietary education.

(3) "Agent" means any person employed by an institution to act as agent, solicitor, broker or independent contractor to procure students for such school by solicitation of enrollment in any form made at any place other than the main office or principal place of business of the school.

(4) "Degree" means associate degree.

(5) The definition of a proprietary school shall not include the following:

(a) A school or educational institution supported entirely or partly by taxation from either a local or state source;

(b) A parochial, denominational, or eleemosynary school or institution;

(c) A school or training program which offers instruction primarily in the field of an avocation, recreation, or entertainment, as determined by the state board;

(d) A course or courses of instruction or study sponsored by an employer for the training and preparation of its own employes for the benefit of the employer and without charge to the employe;

(e) A school or educational institution licensed or approved by or a course or courses of study or instruction sponsored by the Kentucky board of barbering established by KRS 317.340, the Kentucky board of hairdressers and cosmetologists established by KRS 317.480, the Kentucky board of nursing education and nurse registration established by KRS 314.121, and the state board of embalmers and funeral directors of the state of Kentucky established by KRS 316.170.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

This chapter shall not apply to any institution offering a four (4) year college level course recognized by the council on public higher education nor shall it apply to any religious and/or nonprofit institution exempt from taxation under the laws of this state, or which is subject to the provisions of KRS 164.945. This Act is intended to apply to and regulate proprietary educational institutions which are operated as or are organized for profit.

SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) No person shall conduct, operate, maintain or establish an institution as herein defined or use any words which designate or tend to designate to the public that the operator of such institution is qualified to conduct, operate and maintain such institution, unless he holds a valid current license from the board.

(2) No person shall in any way solicit any person or group of persons in this state to enroll at or attend any such institution unless such person holds a valid license as agent of the school for which he is soliciting.

SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established a state board for proprietary education which shall consist of eleven (11) voting members to be appointed by the governor as follows:

(a) Three (3) members appointed from a list of names submitted by the Kentucky association of independent business schools;

(b) Three (3) members representative of proprietary schools other than business colleges;

(c) Five (5) members representative of the public at large;

(d) In addition, the executive director of the state postsecondary education commission shall serve as a non-voting member.

(2) Upon expiration of each of the respective terms of the members first appointed, the term of each successor shall be four (4) years or until his successor shall be appointed and qualified. At the time of the original appointments, the terms of board members will be staggered so that, as nearly as mathematically possible, they fall into three (3) classes. The first class will have two-year terms; the second class will have three-year terms; and the third class will have four-year terms.

(3) Members of the board shall annually elect one (1) of their number as chairman and the board is authorized to employ and fix the compensation of the director and to employ and fix the compensation of all personnel required by it for the administration of the provisions of this chapter. The board shall have the power to make all rules and regulations including the establishment of fees and other charges, consistent with the provisions of this chapter, as may be necessary to carry out the provisions and purposes of this chapter.

(4) The board shall hold meetings at least four (4) times a year and as frequently as it deems necessary at such times and places as the board may designate and the majority of the members shall constitute a quorum.

(5) The board may sue and be sued in its own name.

(6) The members of the board shall receive no compensation for their services but may be paid their travel and other expenses while employed upon the business of the board.

(7) The board shall administer the provisions of law pertaining to the conduct, operation, maintenance and establishment of proprietary education institutions, and the activities of agents thereof when acting as such.

SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) No person shall solicit or perform the services of an agent in this state for a proprietary school, located either within or without this state, unless said person shall have been issued an agent's permit for said proprietary school.

(2) No person shall be issued an agent's permit unless he is an individual of good moral character as determined by the board.

(3) Except as otherwise provided, no person shall be issued an agent's permit unless he shall make application upon forms to be provided by the board, and unless said application shall be accompanied by a fee as established by the board and a good and sufficient surety bond or other collateral as required by the board but not less than five thousand dollars ($5,000).

(4) (a) The surety bond or other collateral shall be conditioned to provide indemnification to any student or enrollee who shall suffer loss or damage as a result of fraud or misrepresentation to said student or enrollee in procuring his enrollment in a course or courses of instruction or study offered or maintained by said proprietary school. The amount of liability on said surety bond or other collateral shall cover each agent each school year, as the term "school year" is defined herein. Regardless of the number of years that an agent's bond is in force, the aggregate liability of the surety bond shall, in no event, exceed the penal sum of the bond. The surety bond may be continuous.

(b) Any claimant may file with the board a duly verified claim against an agent. The board may consider a claim after ten (10) days' written notice by registered mail, return receipt requested, to such licensee of said complaint giving time and place of hearing hereon and if such claim is found to be correct and due to the claimant, and if the board cannot effect a settlement by persuasion and conciliation, the board shall make a demand upon the principal on such bond and the surety thereon, and if not paid shall bring an action on such bond in any court of record within the state of Kentucky.

(5) The surety bond may be of blanket form to cover more than one (1) agent for a proprietary school, but it shall provide the required minimum coverage for each agent.

(6) A surety on said bond may be released therefrom after said surety shall make a written notice thereof directed to the board at least thirty (30) days prior to said release.

(7) The surety bond shall cover the period of the agent's permit except when a surety shall be released in the manner as provided herein.

(8) Notwithstanding the provisions of other sections, the board may issue an agent's permit to each person who is an owner of more than ten percent (10%) legal interest in a proprietary school located in this state and who is a resident of this state, and no such owner shall be required to pay the agent's permit fee or execute an agent's surety bond as otherwise required by this section; provided, that said proprietary school shall have been issued a certificate of approval pursuant to the provisions of this Act.

(9) An agent's permit shall be suspended by operation of law when said agent is no longer covered by a surety bond or other collateral is withdrawn as required by this Act; but the board shall cause said agent to receive at least ten (10) days' written notice prior to the release of his surety to the effect that said permit shall be suspended by operation of law until another surety bond or other collateral shall be filed in the same manner and like amount as required by the board.

(10) An agent's permit shall be valid for a period of one (1) school year as herein defined, except when suspended or cancelled pursuant to these provisions. An agent's permit may be renewed in the same manner and under the same conditions prescribed for the issuance of an initial agent's permit.

SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) No person, company, firm, corporation, association, society, or partnership shall maintain and operate a proprietary school located or doing business within this state until said school shall have been issued a certificate of approval by the board pursuant to the provisions of this Act. No certificate of approval shall be issued by the board to any proprietary school which denies enrollment in said school to any pupil, on account of race, color, or creed. The Kentucky commission on human rights shall have power to make investigation as to discriminatory practices of any proprietary school, and shall report thereon to the board, and said board shall, upon report that any such school is engaging in discriminatory practices, deny or suspend a certificate of approval of such school, in accordance with the provisions of this section and after notice and public hearing as required herein.

(2) No proprietary school shall be issued a certificate of approval unless it shall make application, through its officers or an owner, upon forms to be provided by the state board, and unless said application shall be accompanied by a fee as established by the board and a good and sufficient surety bond or other collateral in a penal sum of not less than twenty thousand dollars ($20,000).

(3) (a) The surety bond or other collateral shall be conditioned to provide indemnification to any student or enrollee or his parent or guardian suffering loss or damage as a result of any fraud or misrepresentation used in procuring his enrollment or as a result of any fraud or misrepresentation as represented by the application for the certificate of approval, or as a result of the student being unable to complete the course or courses because the school ceased operations. Such indemnification shall, in no case, exceed the advanced tuition paid or to be paid by said student or students or any such parent or guardian and regardless of the number of years that a school's bond is in force, the aggregate liability of the surety bond shall, in no event, exceed the penal sum of the bond. The surety bond may be continuous.

(b) Any claimant may file with the board a duly verified claim against a proprietary school. The board may consider such claim after ten (10) days' written notice by registered mail, return receipt requested, to such school of said complaint giving time and place of hearing thereon and if such claim is found to be correct and due to the claimant, and if the board cannot effect a settlement by persuasion and conciliation, the board shall make a demand upon the principal on such bond and the surety thereon, and if not paid may bring an action on such bond in any court of record within the state of Kentucky.

(4) A surety on said bond may be released therefrom after said surety shall have made a written notice thereof directed to the board at least thirty (30) days prior to said release.

(5) The surety bond shall cover the period of the certificate of approval except when said surety shall be released in the manner as provided by this section.

(6) (a) The certificate of approval shall be suspended by operation of law when said proprietary school is no longer covered by a surety bond or other collateral as required by this section; but the board shall cause said proprietary school to receive at least ten (10) days' written notice prior to the release of said surety to the effect that said approval shall be suspended by operation of law until another surety bond shall be filed in the same manner and like amount as required for the initial surety bond.

(b) The certificate of approval shall be suspended by operation of law at any time any certified proprietary school shall deny enrollment in said school to any pupil, on account of race, color, or creed.

(7) The application for a certificate of approval shall be accompanied by such supporting documents as the board may require. The application and accompanying data shall be certified as true and correct in content and policy by the chief executive officer of said proprietary school.

(8) A certificate of approval shall be valid for a period of one (1) school year, beginning the first day of July and ending the thirtieth day of June next following, except when said approval shall be suspended or cancelled pursuant to the provisions herein. A certificate of approval may be renewed in the same manner and under the conditions prescribed by the board.

(9) The bonding or other collateral requirements herein set forth may be reduced at the sole discretion of the board upon a showing by the proprietary school that they are excessive in the case of any particular proprietary school.

SECTION 7. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

All fees collected pursuant to these provisions shall be deposited in the state treasury, trust and agency account of the state board for proprietary education and be applied to the cost of administering this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) No proprietary school located in this state shall be issued a certificate of approval under these provisions until the board shall have determined that said proprietary school is maintained, operated, or, in the event of a new proprietary school, that said school can be reasonably maintained and operated, in substantial compliance with the following minimum standards:

(a) That the instructional quality and content of each course or program of instruction or study shall be adequate to provide reasonable education and training to each enrolled student, and that such quality and content shall be consistent with the public interest.

(b) That the proprietary school has adequate space, equipment, instructional materials, and instructor personnel to provide training and preparation of the quality specified in paragraph (a) of this subsection.

(c) That the educational and experience qualifications of directors, administrators, supervisors, and instructors are satisfactory in terms of the quality of instruction specified in paragraph (a) of this subsection.

(d) That a copy of the course outline and a schedule of tuition be furnished each student applicant prior to enrollment.

(e) That upon satisfactory completion of training, the student shall be awarded a diploma, associate degree, certificate or other appellation by said proprietary school which indicates that said course or courses of instruction or study had been satisfactory completed by said student.

(f) That adequate records shall be maintained and available for inspection.

(g) That the proprietary school shall be maintained and operated in compliance with all local, city, and county ordinances and state law, including rules and regulations adopted pursuant thereto, relative to the safety and health of all persons upon the premises.

(h) That the proprietary school is financially sound and reasonably capable of fulfilling commitments to students for training and preparation.

(i) That the proprietary school does not utilize advertising of any type which is untrue, deceptive, or misleading.

(j) That the chief executive officer, directors, owners, administrators, supervisors, and instructors are of good moral character as determined by the board.

(k) That the proprietary school adheres to a tuition refund schedule as presented in published form prior to enrollment in the event the student shall discontinue the training or be excluded therefrom.

(l) That the proprietary school adheres to such other requirements consistent with the public interest as the board shall determine are necessary to improve the courses or programs of instruction or study offered by such school, and to prevent misrepresentation, fraud, and collusion in the offering thereof.

(2) The board shall have the power to investigate, appraise, and evaluate from time to time any proprietary school now located, or which may be hereafter located, in this state. The investigation, appraisal, and evaluation shall be for the purpose of determining whether the proprietary school is maintained and operated or, in the event of a new proprietary school, whether such new proprietary school can be reasonably maintained and operated, in compliance with the provisions of this section.

(3) If the board shall determine upon investigation, appraisal, and evaluation that a proprietary school located within this state is maintained and operated, or, in the event of a new proprietary school, that said school can be reasonably maintained and operated, in compliance with the minimum standards prescribed by this section, the board shall issue a certificate of approval to said proprietary school.

(4) If the board shall determine that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the minimum standards prescribed by this section and the minimum requirements determined by the board, the board, after notice and an opportunity for a hearing may deny the issuance of a certificate of approval or may establish conditions in conformity with these provisions which shall be met by said school prior to issuance of such a certificate.

SECTION 9. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) An agent's permit may be revoked by the board for fraud or misrepresentation in procuring or soliciting a student or prospective student for enrollment in a course or courses of instruction or study offered or maintained by a proprietary school located within or without this state. An agent's permit may be revoked by the board for a false or misleading written or oral statement in the application therefor submitted by the applicant with the intent to mislead or conceal the truth.

(2) In the event that the certificate of approval of the proprietary school designated upon an agent's permit shall be suspended or revoked, or in the event said agent shall leave the employ of said approved proprietary school, the agent's permit shall be suspended by operation of law; provided, that the agent shall be given at least ten (10) days' written notice of said suspension, and of the suspension or revocation of the certificate of approval of said proprietary school; and provided further, that said agent shall be entitled to

obtain a reissue of his agent's permit for the remaining unexpired period of time, without an additional fee, with another approved proprietary school designated thereon.

(3) A certificate of approval issued to a proprietary school may be suspended or revoked for the failure to maintain and operate a course or courses of instruction or study in compliance with the standards prescribed herein. A certificate of approval may be suspended or revoked by the board for a false or misleading written or oral statement submitted by the applicant proprietary school with the intent to mislead or conceal the truth.

(4) An agent's permit or the certificate of approval of a proprietary school may be suspended or revoked by the board for other valid reasons.

SECTION 10. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

The board shall have the authority to promulgate and adopt reasonable rules and regulations for the administration of the provisions of this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) Any person, company, firm, corporation, association, society, or partnership, or any officer or employe thereof, who shall violate the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars ($100), or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment. Each day's failure to comply with the provisions of this Act shall be a separate violation.

(2) No note, negotiable instrument, or contract relating to payment for a course or courses of instruction shall be enforceable by an proprietary school in the courts of this state, unless said proprietary school and its agents shall have complied with the provisions of this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

This Act shall be effective on July 1, 1976, and upon that date all funds to be appropriated to any other state agency for the purposes of performing the duties, responsibilities, and functions as described herein, including all trust and agency funds on deposit for the use and benefit of any other such agency are hereby appropriated, transferred, and/or redeposited in the treasury of the commonwealth of Kentucky to the credit of and for the use of the state board for proprietary education.

SECTION 13. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

KRS Chapter 331 and KRS 163.310 through 163.990 are repealed.

The Committee on Counties and Special Districts reported **HB 638** and HB 740 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 638,** AN ACT relating to county historical societies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

(1) Any fiscal court may establish a county historical society to collect and preserve authentic records, information, and relics connected with the history of the county and to promote greater appreciation of the county's heritage.

(2) To establish a county historical society, the fiscal court shall appoint a board of directors which shall establish by-laws, oversee operations and promote membership in the society. The board shall consist of seven (7) members. One (1) member shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years, two (2) members for terms of three (3) years, and two (2) members for terms of four (4) years. After the expiration of these initial terms, all appointments shall be for terms of four (4) years. The fiscal court shall designate one (1) member as chairman.

(3) Any county historical society may receive by donation or devise real or personal property and may, by gift, loan, purchase or otherwise acquire books, papers, documents, historical memorials, and any other articles suited to promote the objects of the society, and accept grants or other funds from any source, public or private. All property acquired pursuant to this subsection shall be held in trust for the county which established the society.

**HB 740,** AN ACT relating to the registration of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.235 is amended to read as follows:

(1) Any motor vehicle not previously registered in this state shall not be registered by the county clerk unless such vehicle shall have been inspected by the sheriff or his deputy of the county in which the motor vehicle is required by law to be registered [if that county contains a city of the first or second class, or by a city or county peace officer of the county in which the vehicle is required by law to be registered in other counties of the state]. Such inspection officer shall make a record of inspection on forms prescribed by the department. The applicant shall pay the inspection officer a fee of three dollars ($3.00) for making the inspection.

(2) New motor vehicles sold by a dealer licensed in this state and motor vehicles required to be registered under subsections (3) through (13) of KRS 186.050 in this state by reason of lack of reciprocity pursuant to reciprocity agreements with other jurisdictions, may be registered by the county clerk without having been inspected.

(3) If inspection is required under this section, it may be made in another county or state as long as the proper officer referred to in subsection (1) of this section makes the inspection.

(4) Motor vehicles owned by servicemen or servicewomen who are residents of Kentucky stationed outside of Kentucky, may be inspected by the post provost or similar officer of the camp, post or station. The post provost or similar officer shall submit an affidavit stating the name of the owner, the identification or serial number, the make, body style, current license or title number, if any, and state in which currently registered or title, if any, of the motor vehicle.

(5) Motor vehicles operated by a motor carrier under a certificate or permit issued by the bureau of vehicle regulation shall not be required to be inspected prior to registration.

The Committee on Public Utilities and Transportation reported **HB 595,** HB 842, **HB 246** with Committee Amendment attached thereto, and **HJR 50** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 595,** AN ACT relating to motor carriers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 281.656 is amended to read as follows:

Upon the cancellation of any bond or insurance policy required by KRS 281.655, all operating rights granted by the certificate or permit for which said bond or insurance policy was filed shall immediately abate; Provided, however, That if the bond or insurance policy is reinstated within thirty (30) days from the date of cancellation the operating rights granted by the certificate or permit shall again be in force and effect, *or if the owner of the rights submits to the bureau within thirty (30) days a sworn affidavit that no trucks shall be operated under his certificate, that they shall then be given one (1) year to sell, lease or reinstate;* otherwise they shall become void. Upon the event of the cancellation of any bond or insurance policy or upon the event of any order of the bureau cancelling or suspending the operating rights granted by any certificate or permit the bureau is empowered to immediately require the cessation of all operations conducted under authority of the affected certificate or permit, and to require, through its agents, the surrender of all certificates, permits, licenses, and other evidence of right to act as a motor carrier.

**HB 842,** AN ACT relating to the regulation of public utilities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 278.030 is amended to read as follows:

(1) Every utility may demand, collect and receive fair, just and reasonable rates for the services rendered or to be rendered by it to any person.

(2) Every utility shall furnish adequate, efficient and reasonable service, and may establish reasonable rules governing the conduct of its business and the conditions under which it shall be required to render

service.

(3) Every utility may employ in the conduct of its business suitable and reasonable classifications of its service, patrons and rates. The classifications may, in any proper case, take into account the nature of the use, the quality used, *the quantity used,* the time when used, the purpose for which used, and any other reasonable consideration.

Section 2. KRS 278.040 is amended to read as follows:

(1) The public service commission shall regulate utilities and enforce the provisions of this chapter. The commission shall be a body corporate, with power to sue and be sued in its corporate name. The commission may adopt a seal bearing the name "Public Service Commission of Kentucky," which seal shall be affixed to all writs and official documents, and to such other instruments as the commission directs, and all courts shall take judicial note of the seal.

(2) The jurisdiction of the commission shall extend to all utilities in this state. The commission shall have exclusive jurisdiction over the regulation of rates and service of utilities, but with that exception nothing in this chapter is intended to limit or restrict the police jurisdiction, contract rights or powers of cities or political subdivisions.

(3) The commission may *adopt, in keeping with KRS Chapter 13, reasonable regulations to implement the provisions of KRS Chapter 278 and* investigate the methods and practices of utilities to require them to conform to the laws of this state, and to all reasonable rules, regulations and orders of the commission not contrary to law.

Section 3. KRS 278.050 is amended to read as follows:

(1) The Public Service Commission shall consist of five (5) members appointed by the Governor with the advice and consent of the Senate. If the Senate is not in session when a term expires or a vacancy occurs, the Governor shall make the appointment to take effect at once, subject to the approval of the Senate when convened. Each of the five members of said commission shall be appointed on or before March 1, *1976 for staggered terms as follows: two (2) shall serve until March 1, 1977, two (2) until March 1, 1978 and one (1) until March 1, 1979 and thereafter* [1972,] for a term of four years and until a successor is appointed and qualified.

(2) The Governor shall appoint one of the commissioners to act as chairman of the commission and the chairman shall be the chief *executive* [administrative] officer of the commission. The Governor shall designate one of the commissioners to serve as vice chairman and act for the chairman in the latter's absence.

(3) Vacancies for unexpired terms shall be filled in the same manner as original appointments, but the appointee shall hold office only to the end of the unexpired term.

Section 4. KRS 278.060 is amended to read as follows:

(1) Each commissioner shall be a resident and qualified voter of this state, not less than twenty-five (25) years of age at the time of his appointment and qualification, and shall have resided in this state for at least three (3) years prior to his appointment and qualification. Each commissioner shall take and subscribe to the constitutional oath of office, which shall be recorded in the office of the secretary of state.

(2) No person shall be appointed to or hold the office of commissioner who holds any official relationship to any utility, or who owns any stocks or bonds thereof, or who has any pecuniary interest therein.

(3) No commissioner shall receive any rebate, pass, percentage of contract or other thing of value from any utility.

(4) No commissioner shall engage in any occupation or business inconsistent with his duties as such commissioner.

(5) If any commissioner becomes a member of any political party committee, his office as commissioner shall be thereby vacated.

*(6) In making appointments to the commission, the Governor shall consider the various kinds of expertise relevant to utility regulation and the varied interests to be protected by the commission, including those of consumers as well as utility investors, and not all members should be of the same occupation or profession.*

Section 5. KRS 278.080 is amended to read as follows:

A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all of the powers of the commission. Any investigation, inquiry, or hearing that the commission has power to undertake or hold may be undertaken or held, and the evidence therein taken, by any one or more commissioners *or a hearing examiner* designated for that purpose by the commission, and every finding, opinion or order made by the commissioner or commissioners *or hearing examiner* so designated shall, when approved or confirmed by the commission, become the finding, opinion or order of the commission.

Section 6. KRS 278.100 is amended to read as follows:

(1) The commission shall appoint *an executive director and* a secretary, who shall hold office during its pleasure and shall devote *their* [his] entire time to the duties of *their offices* [his office]. *The executive director shall be selected on the basis of experience and training demonstrating capacity to deal with the problems of management and governmental regulation and knowledge relatable to utility regulation. The executive director shall be the chief administrative officer of the office of the commission and shall provide the staff direction and coordination in implementing the program and discharging the duties of the commission.* The secretary shall keep a full and true record of all the proceedings of the commission, of all books and papers ordered filed by the commission, and of all orders made by the commission or approved and confirmed by it and ordered filed, and shall be responsible to it for the safe custody and preservation of all such documents in its office. [Under the direction of the commission, the secretary shall have general charge of its office, superintend its clerical business and perform such other duties as the commission prescribes. He may administer oaths in all parts of the state, where the exercise of that power is properly incidental to the performance of his duties or those of the commission.]

(2) *The commission shall designate from time to time staff persons to perform the duties of the executive director and secretary during their absence, and during the absence of either, the person so designated shall possess the same powers as their principal.* [The secretary shall designate from time to time one (1) of the clerks appointed by the commission to perform the duties of the secretary during his absence, and during the absence of the secretary the clerk so designated shall, at the office, possess the same powers as the secretary.]

*(3) The executive director with the approval of the commission may assign the secretary additional administrative duties.*

Section 7. KRS 278.110 is amended to read as follows:

The commission *acting through the executive director* may employ, [during its pleasure,] such clerks, stenographers, rate experts, agents, special agents, engineers, accountants, auditors, inspectors, *lawyers, hearing examiners,* experts and other *classified service* employes *and the commissioner may contract for services of persons in a professional or scientific capacity to make or conduct a hearing or a temporary or special inquiry, investigation or examination* as it deems necessary to carry out the provisions of this chapter, or to perform the duties and exercise the powers conferred by law upon the commission.

Section 8. KRS 278.120 is amended to read as follows:

(1) The chairman of the commission and each of the other four members shall be paid a salary fixed under KRS 64.640 to be paid monthly.

(2) The *executive director and the* secretary of the commission shall be paid a salary to be fixed by the commission, with the approval of the Governor. [The commission, with the approval of the Department of Personnel, shall fix the compensation of all its other employes. The secretary of the commission and the commission's staff directors shall, as determined by the commission, assist the commissioners in carrying out policymaking functions under this chapter.]

(3) The commissioners, *the executive director,* [and] the secretary and employes of the commission are entitled to all expenses, including hotel bills, incurred in traveling on business of the commission.

(4) The salaries and expenses provided for by this section, and all other expenses of the commission incurred in the administration of this chapter, shall be paid out of appropriations as provided by law out of the general expenditure fund.

SECTION 9. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

The commission by regulation shall organize its office for administration and management under the executive director to reflect its functions. The organization may be changed from time to time and may include division directors subject to the exemption from the classified service as provided in KRS 18-140(h).

Section 10. KRS 278.130 is amended to read as follows:

(1) For the purpose of maintaining the Public Service Commission, including the payment of salaries and all other expenses, and the cost of regulation of the utilities subject to its jurisdiction, the Department of Revenue shall each year assess [the necessary amount upon] the utilities in proportion to their earnings or receipts derived from intrastate business in Kentucky for the preceding calendar year, and shall notify each utility on or before July 1 of the amount assessed against it. The total amount so assessed shall not in any year exceed *one and one-half* [one and one-fourth] mills on intrastate receipts, which shall be deposited into the state treasury to the credit of the general fund. The sum by each utility shall not be less than $50 in any one year.

(2) The assessments provided for in this section shall be in lieu of all other fees or assessments levied by any city or other political subdivision for the control or regulation of utilities.

Section 11. KRS 278.170 is amended to read as follows:

(1) No utility shall, as to rates or service, give any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage, or establish or maintain any unreasonable difference between localities or between classes of service for doing a like and contemporaneous service under the same or substantially the same conditions.

(2) [Any utility may grant free or reduced rate service to its officers, agents or employes, including physicians and attorneys, and may exchange free or reduced rate service with other utilities for the benefit of the officers, agents and employes of both utilities, including their physicians and attorneys.] Any utility may grant free or reduced rate service to the United States, to charitable and eleemosynary institutions, and to persons engaged in charitable and eleemosynary work, and may grant free or reduced rate service for the purpose of providing relief in case of flood, epidemic, pestilence or other calamity. [The terms "officers" and "employes," as used in this subsection, include furloughed, pensioned and superannuated officers and employes, and persons who have become disabled or infirm in the service of the utility.] Notice must be given to the commission and its agreement obtained for such reduced rate service except in case of an emergency, in which case the commission shall be notified at least five (5) days after the service is rendered.

(3) The commission may determine any question of fact arising under this section.

Section 12. KRS 278.180 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, no change shall be made *by any utility* in any rate except upon twenty (20) days' notice to the commission, stating plainly the changes proposed to be made and the time when the changed rates will go into effect. *The commission may order a rate change only after giving an identical notice to the utility, and any aggrieved party petitioning within the period for a hearing shall be entitled thereto before said order is entered.*

(2) The commission, upon application of any utility, may prescribe a less time within which a reduction of rates may be made.

Section 13. KRS 278.410 is amended to read as follows:

(1) Any party to a proceeding before the commission or any utility affected by an order of the commission may, within twenty (20) days after being served with the order, or within twenty (20) days after his application for rehearing has been denied by failure of the commission to act, or within twenty (20) days after being served with the final order on rehearing, when a rehearing has been granted, bring an action against the commission in the Franklin Circuit Court to vacate or set aside the order or determination on the ground that it is unlawful or unreasonable. *Notice of the institution of such action shall be given to all parties of record before the commission.*

(2) The answer of the commission shall be served and filed within twenty (20) days after service of the complaint. The action shall then be at issue and stand ready for trial upon ten (10) days' notice to either party, on the equity side of the docket of the court. The answer need not deny verbatim the allegations of the petition, but a general denial thereof on behalf of the commission shall be sufficient.

(3) Injunctive relief may be granted by the circuit court in the manner and upon the terms provided by law.

SECTION 14. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

The commission by regulation may prescribe the form and require the appropriate authorities annually to report data relating to rates, finances, and operations of municipally owned electric utilities.

SECTION 15. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) The rates charged for services by municipally owned electric utilities shall not be increased except after a public hearing following reasonable notice thereof.

(2) By January 1, 1978 the rates charged for services and the standards of services maintained by municipally owned utilities shall be the same for customers inside and outside the corporate limits.

Section 16. KRS 367.160 is amended to read as follows:

All departments, agencies, officers and employes of the Commonwealth shall fully cooperate with the Attorney General and the Division of Consumer Protection in carrying out the functions of KRS 367.110 to 367.300. *The persons designated by the Attorney General as utility consumer intervenors shall have the same access to material evidence and information of the Public Service Commission relating to any case before it as other parties to the case.*

Section 17. KRS 15.105 is amended to read as follows:

(1) The attorney general, with the approval of the head of the department or the commission involved shall appoint an Assistant Attorney General for the Department of Transportation, [for the Public Service Commission,] for the Department of Revenue, and for the Railroad Commission.

(2) The assistant attorneys general and additional attorneys provided for in subsection (1) of this section shall each be a person admitted to the practice of law by the Court of Appeals of this Commonwealth and shall qualify by taking the oath of office. They shall be paid out of the appropriation or other funds of the respective department or commission to which they are assigned.

**HB 246,** AN ACT relating to registration of trailers, semitrailers, and housetrailers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.655 is amended to read as follows:

(1) Before any owner or operator of a trailer, semitrailer or housetrailer may operate or permit the operation of such vehicles upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which such vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new trailer, semitrailer or housetrailer; or

(b) The owner's registration receipt, if the trailer, semitrailer or housetrailer was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a trailer, semitrailer or housetrailer to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a trailer, semitrailer or housetrailer to obtain a certificate of title or ownership; or

(e) Affidavit from the owner of a trailer, semitrailer or housetrailer assembled or constructed for his personal use on the highways; or

(f) Affidavit from the owner of a trailer, semitrailer or housetrailer where the bill of sale for such vehicle has been lost, destroyed or stolen.

(2) The affidavit required in paragraph (e) shall contain the owner's name, address, date, brief description and a statement that the trailer was constructed by the owner for use on the highways and any additional information that the department may from time to time prescribe by regulation.

(3) The affidavit required in paragraph (f) shall contain the owner's name, address, date, make, year made, serial or identification number, from whom purchased, date of purchase, that the person making the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed or stolen, and any additional information that the department may from time to time prescribe by regulation.

(4) After that, he shall register his trailer, semitrailer or housetrailer on or before April 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

*(5) No county clerk or other officer shall issue any license tags to the owner of any trailer, semitrailer, or housetrailer when it is offered for registration for the first time in this state, unless the owner presents a tax receipt from the seller verifying that the Kentucky sales tax has been paid. If the owner is unable to present such evidence of payment of tax, he shall furnish to the clerk a bill of sale indicating the purchase price of the trailer, semitrailer, or housetrailer on which price the sales tax shall be assessed. If he cannot furnish a bill of sale indicating the purchase price, the clerk shall assess the value in accordance with information prescribed by the department of revenue. The clerk shall collect the tax and remit it to the department of revenue.*

The Committee Amendment to **HB 246** is as follows:

Amend printed copy of House Bill 246, on page 3, line 6, by deleting "*trailer, or semitrail-*"

and on page 3, line 7, by deleting "*er, or*"

and on page 3 line 7, by inserting after "*Housetrailer*" the following: "*, mobile home or recreational vehicle*" and on page 3, line 8, by deleting "*for the first time*"

and on page 3, line 13, by deleting "*trailer, semitrailer, or*"

and on page 3, line 13, by inserting after "*housetrailer*" the following: "*mobile home or recreational vehicle*"

and on page 3, line 18, after "*tax*" add "*deduct a fee of five percent (5%) of the amount collected*" and after the word *remit* add *the balance* [it]

**HR 50,** A JOINT RESOLUTION directing the Public Service Commission to hold hearings on sewer related problems in Jefferson County.

WHEREAS, many householders in Jefferson County have experienced up to a five-fold increase in their sewer charges in recent months;

WHEREAS, many of the people subjected to these enormous increases live on low or fixed incomes;

WHEREAS, the existence of many separate small sewer corporations has fragmented the role of the Public Service Commission in regulating the corporations; and

WHEREAS, many of the problems being experienced by the sewer corporation customers are similar in nature irrespective of the particular corporations;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Kentucky Public Service Commission is hereby directed to hold public hearings on sewer related problems in Jefferson County. These hearings shall be broadly based and shall be allowed to cover the whole spectrum of sewer related problems.

Section 2. The public hearings shall be held in Jefferson County and at a time and place that is convenient to the public. The first public hearing shall take place not later than September 30, 1976 and the Commission shall make reasonable efforts to publicize the meeting.

Section 3. That the Clerk of the House of Representatives shall forward a copy of this resolution to the chairman of the Public Service Commission.

The Committee on Appropriations and Revenue reported **HB 838, HJR 73,** and **HJR 100** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 838,** AN ACT relating to revenue and taxation.

WHEREAS, large quantities of contaminated waste material and radioactive waste material from the utilization of nuclear energy around the country are being transported and delivered for processing, packaging, storage, disposal, burial and other disposition in the commonwealth of Kentucky; and

WHEREAS, there arises therefrom a potential health hazard to the citizens of the commonwealth of Kentucky from which state government is obliged to offer surveillance, assessment and protection to is citizens; and

WHEREAS, the costs of monitoring the risk of damage or injury and in maintaining the safeguards attendant upon the delivery of contaminated waste material and radioactive waste materials into the commonwealth and in protecting its citizens of risk of damage or injury are substantial;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) "Contaminated waste materials" means those materials, in solid, liquid or gaseous form, which are transported or buried with radioactive wastes;

(2) "Department" means the department of revenue;

(3) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation;

(4) "Processor" means any person receiving delivery or any person having an interest or right of occupancy or use in real property or improvements or any person owning, operating or maintaining a solid waste disposal site or facility as defined in KRS 211.700(5) of contaminated waste materials or radioactive waste materials for processing, packaging, storage, disposal, burial or other disposition.

(5) "Public highways" means every way or place generally open to the use of public as a matter of right for the purpose of vehicular travel, not withstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction;

(6) "Radioactive wastes" means any and all waste material produced in the process of production or utilization of nuclear materials, including, but not limited to, the structures used in containing such radioactive wastes.

SECTION 2. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) An excise tax of ten cents (10¢) per pound is hereby levied and shall be paid by the processor to the department upon all contaminated waste materials and all radioactive waste material delivered in the commonwealth of Kentucky for processing, packaging, storage, disposal, burial or other disposition.

(2) Any person receiving contaminated waste materials or radioactive waste material or both or any person having an interest or right of occupancy or use in real property or improvements and any person owning, operating or maintaining a solid waste disposal site or facility as defined in KRS 211.700(5) upon or in which the same shall be deposited for processing, packaging, storage, disposal, burial or other disposition shall collect from the person delivering such material the tax imposed by this section.

(3) Every processor shall file with the department, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall contain such information as the department may require.

(4) The monthly tax return shall be accompanied by remittance of the tax then due.

SECTION 3. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

Every processor shall maintain complete records of all deliveries of contaminated waste materials and of radioactive waste materials. Such records, together with manifests of lading, invoices, correspondence and other papers pertaining thereto shall be retained for a minimum period of two (2) years, and, if requested by the department, shall be made available for examination by the department.

SECTION 4. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

The department may audit the books and records of each processor and make such other investigations as it deems necessary to determine the payment of tax and other requirements imposed by this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

The tax returns required by this Act shall be accompanied by a certified or cashier's check, payable to the state treasurer, for the amount of tax due for the preceding calendar month except that the department may waive this requirement and accept the check of the processor if he is of sound financial condition and has established a record of compliance.

SECTION 6. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

The department shall administer the taxes provided under this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

**HR 73,** A JOINT RESOLUTION concerning consumer education and authorizing studies to determine the effectiveness of consumer education programs in Kentucky.

WHEREAS, consumer education is becoming increasingly important to the education of students in Kentucky due to the complex choices being faced by consumers in today's marketplace; and

WHEREAS, the 1974 Session of the Kentucky General Assembly enacted into law the Consumer Education Act (KRS 158.450—158.470); and

WHEREAS, it is the sense of the 1976 General Assembly that each student in the Commonwealth of Kentucky shall be provided consumer education and that the effectiveness of the 1974 Consumer Education Act be evaluated;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That a study and evaluation shall be undertaken by the Department of Education, with consultation by the State Consumers' Advisory Council and the Attorney General's Consumer Protection Division, to determine the effectiveness of the 1974 Consumer Education Act and that such study and evaluation shall be submitted to the Interim Committee on Education by September 15, 1977. All data and other information compiled by the Department of Education shall be available to the Consumers' Advisory Council and the Attorney General's Consumer Protection Division, and in carrying out the objectives of this resolution, the Department of Education shall:

(1) Devise and implement, after consultation with the State Consumers' Advisory Council and the Attorney General's Consumer Protection Division, an evaluation program to determine the effectiveness of consumer education in Kentucky, which shall include but not be limited to testing of selected pilot and non-pilot program schools. This testing shall be conducted through recognized and acceptable testing procedures;

(2) Identify the extent of consumer education in the Commonwealth by obtaining data pertaining to the specific means of conducting consumer education in each public school district in the Commonwealth of Kentucky, which shall include data concerning specific courses, materials utilized, teaching activities, and the amount of classroom time devoted to this topic; and

(3) Evaluate the extent and effectiveness of teacher in-service training in consumer education.

Section 2. That there is hereby appropriated to the Department of Education the sum of twenty thousand dollars ($20,000) for the purpose of conducting the testing program specified in Section 1 of this resolution.

**HR 100,** A JOINT RESOLUTION directing a study of radioactive waste disposal.

WHEREAS, many Kentuckians are alarmed and concerned over the ultimate consequences of storing radioactive waste material within the Commonwealth; and

WHEREAS, many conflicting accounts, reports and predictions of such consequences have been generated; and

WHEREAS, the General Assembly feels the utmost concern about the necessity for revealing the accurate and scientific facts about the disposal of radioactive wastes in Kentucky;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission be directed to conduct a study of the effects of radioactive waste disposal in Kentucky.

Section 2. That the commission shall appoint a special advisory committee to assist and advise it in conducting such research, to be composed of seven members, including one Senator, one Representative, one representative each from the Department for Human Resources and the Department for Natural Resources and Environmental Protection, two members of university faculty recognized as expert in the field of radioactive material, and one lay member representative of the public.

Section 3. That the commission shall publish a report of its findings and recommendations not later than October 1, 1977, and shall submit such report to the 1978 General Assembly.

Section 4. That there is hereby appropriated to the Legislative Research Commission the sum of $75,000 for fiscal year 1976-77, which sum shall not lapse and shall carry forward into fiscal year 1977-78.

Section 5. That this resolution shall become effective only if the revenue receipts resulting from the enactment of House Bill 838 of the 1976 General Assembly are sufficient to provide the appropriation in Section 4.

The Committee on Cities reported **HB 805,** with Committee Amendments attached thereto, and **HB 807,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 805,** AN ACT relating to city employes.
*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 90.220 is amended to read as follows:

(1) Persons holding positions in the classified service shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.

[(2) No person in the classified service, and neither the personnel director nor any member of the board, nor the chief of police, assistant chief of police, chief of firemen, or assistant chief of firemen, shall, directly or indirectly, give, solicit, receive, or remit, any assessment, subscription, or contribution, to or for any political party or any candidate for public office, or in any manner be concerned therewith; nor shall any such person be a member of any campaign committee or governing committee of any political organization nor an officer in either; nor shall any such person be an election officer or work at the polls on election day, or participate in the purgation or registration of voters, provided, however, nothing herein shall prevent any such person from freely expressing his or her views as a citizen or from casting his or her vote in any election.]

*(2)* [(3)] Any such person who shall violate this section shall be summarily dismissed from the service by the appointing authority (or if a member of the board, by the mayor), and may not be employed in any service of the city, classified or unclassified, for a period of one (1) year next thereafter; Provided however, That should the appointing authority fail or refuse to so dismiss, the board (except when a member thereof is charged with violation of this section) shall conduct a hearing, which the accused person may attend with counsel; if the board find the accused guilty of violation of this section, the board shall dismiss such violator, with the consequent disqualification. Such action of the board is final.

Section 2. KRS 95.470 is amended to read as follows:

(1) No person shall be appointed a member of the police or fire department in cities of the second and third classes or urban-county governments on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.

(2) The appointment and continuance in office of members of the police or fire department shall depend solely upon their ability and willingness to enforce the law and comply with the rules of the department, and shall not be a reward for political activity or contribution to campaign funds.

(3) No member of either department shall pay or collect any assessments made by political organizations [, contribute to political campaign funds, be active in politics or work for the election of candidates for office].

The Committee Amendment to **HB 805** is as follows:

Amend printed copy of House Bill 805, on page 2, line 20, after the word "cities" strike the balance of the line

and on page 2, line 21, strike the following words: "third classes"

and on page 3, after the end of line 9 insert the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 18 IS CREATED TO READ AS FOLLOWS:

No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified services because of his political or religious opinions or ethnic origin.

SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Persons holding positions in the classified service of any city, county, urban county or other political subdivision shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.

(2) Any such person who shall violate this section shall be summarily dismissed from the service by the appointing authority (or if a member of the board, by the governor), and may not be employed in any service of the state, classified or unclassified, for a period of one (1) year next thereafter; provided however, that should the appointing authority fail or refuse to so dismiss, the board (except when a member thereof is

charged with violation of this section) shall conduct a hearing, which the accused person may attend with counsel; if the board find the accused guilty of violation of this section, the board shall dismiss such violator, with the consequent disqualification. Such action of the board is final.

SECTION 5. A NEW SECTION OF KRS CHAPTER 65 IS CREATD TO READ AS FOLLOWS:

(1) No person shall be appointed a member of the city, county, urban county or other political subdivision classified service on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.

(2) The appointment and continuance in office of members of the classified service shall depend solely upon their ability and willingness to enforce the law and comply with the rules of the department or agency, and shall not be a reward for political activity or contribution to campaign funds.

(3) No member of the classified service shall pay or collect any assessments made by political organizations.

Section 6. KRS 18.310 is repealed."

The Committee Title Amendment to **HB 805** is as follows:

Amend printed copy of House Bill 805, on page 1 by amending the title to read as follows: AN ACT relating to public employees.

**HB 807,** AN ACT relating to classified service in cities of the first class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 90.110 is amended to read as follows:

The following terms, as used in KRS 90.110 to 90.230, shall have the following meanings, unless the context clearly requires otherwise:

(1) "Emergency appointment" means any appointment to any position subject to the provisions of KRS 90.110 to 90.230, which may be made only in the absence of an appropriate eligible list for the position and which may be made without competitive examination pending the establishment of an eligible list and which appointment shall not exceed the duration of the emergency and in no case to exceed ninety (90) days in any one (1) fiscal year.

(2) "Probationary appointment" means an appointment to any position subject to the provisions of KRS 90.110 to 90.230, which shall be made in accordance with the provisions of KRS 90.180 and which shall not be less than six (6) months nor more than one (1) year in duration.

(3) "Regular appointment" means an appointment to a position subject to the provisions of KRS 90.110 to 90.230 made after an employe has served a probationary period in a manner deemed satisfactory to the appointing authority.

(4) "Director" means the personnel director, as provided for in KRS 90.140.

(5) "Position" means every place of employment in the classified service hereunder including office.

(6) "Employe" means any person in the classified service hereunder.

(7) "Classified service" means all positions in cities of the first class within the jurisdiction of the board, and within the purview of KRS 90.110 to 90.230.

(8) "Board" means the civil service board created hereunder.

(9) "Appointing authority" means the officer, board, commission, department, agency, person or group of persons, having the power of appointment to and removal from positions in the classified service as provided for in KRS 90.110 to 90.230.

(10) "Competitive examination" shall include consideration and rating of any or all of the following qualifications of applicants: Education, training, experience, general adaptability, special aptitude, physical fitness, knowledge, skill, personality, character, and such other qualifications as may be deemed necessary for the satisfactory performance of the duties of the respective positions, *all objectively determined and based on written, published guidelines, promulgated by the board.*

(11) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions as provided for in KRS 90.110 to 90.230.

(12) "Service ratings" means the evaluation of the efficiency and general worth of employes in positions subject to the provisions of KRS 90.110 to 90.230 as determined by the appointing authority.

(13) "Dismissal" means the discharge of an employe by the appointing authority.

(14) "Lay-off" means the separation of an employe from the classified service because of a reduction of force owing to decreased work or decreased funds in the department, commission, board or agency in which the employe has been employed.

(15) "Class" or "class of positions" means a position or group of positions subject to the provisions of KRS 90.110 to 90.230 sufficiently similar in duties, responsibilities and qualification requirements to be designated by the same title and placed within the same salary range.

(16) "Reinstatement" means the reappointment of a person who formerly held a position, subject to the provisions of KRS 90.110 to 90.230, to such former position or to any other position in the same class.

(17) "Transfer" means a change by an employe from one (1) position to another position within the same class.

(18) "Promotion" means a change from a position in a lower class to a position in a higher class involving an increase in responsibility or a change in title.

(19) "Demotion" means a change from a position in a higher class to a position in a lower class involving a decrease in responsibility or a change in title.

(20) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, which separation is inflicted upon the employe by his appointing authority, as a disciplinary measure under the rules established by the board.

(21) "Public hearing" means such as may be given after public notice of at least five (5) days, so that any person or persons may have an opportunity to appear before the board and be heard on the matter involved.

Section 2. KRS 90.160 is amended to read as follows:

(1) The board shall, after public notice and hearing, make, promulgate, and if and when necessary, amend, rules and regulations for the appointment, transfer, laying-off, reinstatement, deductions from pay, leave of absence, promotion, demotion, dismissal, and suspension, of all employes of the city in the classified service within the purview of KRS 90.110 to 90.230, including those who may hereafter be placed in the classified service pursuant hereto, and for the classification of such employes for appointment, promotion and transfer, and shall report its proceedings and rules to the mayor, legislative body, the director of public welfare, the director of public health, and the director of safety of the city. Such rules shall, among other things, provide:

(a) For the standardization and classification of all offices, positions and employment in the classified service and the classification thereof into groups and subdivisions to be based upon and created according to the respective duties and responsibilities thereof, and shall be so arranged as to promote the filling of the higher grade as far as practicable by promotion.

(b) For open competitive tests to ascertain the relative fitness of all applicants for appointment to said offices, positions and places of employment in the classified service within the purview of KRS 90.110 to 90.230, including those which may hereafter be placed in the classified service pursuant hereto, and such tests shall be practicable and relate to matters which will fairly measure the relative fitness of candidates to discharge the duties of the positions or offices or places of employments to which they seek appointment. Notice of such tests shall be given by publication pursuant to KRS chapter 424 and by posting notices in the city hall.

(c) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing through examination; and for the filling of places in the classified service by the appointing authorities who shall select *for each promotion the* [from not more than three (3)] candidate[s] graded highest on the appropriate eligible list.

(d) For a period of probation not exceeding twelve (12) months nor less than six (6) months, before an appointment or employment is made a regular appointment.

(e) For reinstatement on the eligible list of persons who, without default or delinquency, are separated from the service.

(f) For promotion from the lower grades to the higher based on records of efficiency and seniority to be furnished by the appointing authority and kept by the board, or upon competitive promotion tests, or both.

(2) The enumeration of the foregoing subject matter of rules and regulations is not exclusive, and the board may make and promulgate such other reasonable rules and regulations as are necessary or desirable to the enforcement of and not inconsistent with KRS 90.110 to 90.230.

Section 3. KRS 90.170 is amended to read as follows:

(1) Each eligible list shall remain in force until exhausted, [or until replaced by a more recently prepared list,] but not *more than one (1)* [beyond two (2)] year[s] from the date of its establishment. The names of persons who have indicated in writing to the director that they are unwilling to accept appointment, or request in writing that their names be dropped from the list, [or who have been certified for appointment three (3) times and not appointed,] shall be dropped from the list.

(2) If during the lifetime of a list it shall have dwindled to the point that three (3) or fewer names remain thereon, or if for other reason the board deems it necessary for the good of the service to prepare and establish a supplemental list, the board may in its discretion do so; in such event the original list shall be combined with the supplemental list, and all names shall be placed on the combined list according to grade, without regard to priority in time of examination; Provided, however, no name shall remain upon eligible lists for a period longer than two (2) years, at which time it shall be dropped from the list. The board, by rule, may prescribe other reasons for removal of names from an eligible list and for written notice to those so removed.

(3) In the absence of any appropriate eligible list any position or office may be filled temporarily by the appointing authority without examination for a period not to exceed ninety (90) days, during which time the board shall hold the necessary examination for the filling of the place regularly, but persons may be temporarily employed for emergency work without examination for the period of the emergency, in no event to exceed ninety (90) days in any one (1) fiscal year, such appointment to be an emergency appointment and the same shall not be renewed. No person shall be appointed or employed under any title not appropriate to the duties to be performed. No person shall be transferred to or assigned to perform any duties of any position subject to competitive tests unless he shall have been appointed to the position from which transfer is made as a result of a competitive test, equivalent to that required for the position to be filled, or appointed as otherwise herein provided under KRS 90.180 and 90.210.

(4) Each list of eligibles, with the respective grades, shall be open to public inspection. Any person appointed from the eligible list and laid off for lack of work, or lack of appropriation, shall be placed at the head of the eligible list, and shall be eligible for reappointment for a period of eligibility as provided by the rules of the board.

Section 4. KRS 90.190 is amended to read as follows:

(1) Any suspension [in excess of ten days], dismissal or demotions of employes *whether holding regular or probationary appointments* in positions subject to the provisions of KRS 90.110 to 90.230 may be made only by the appointing authority upon the filing of written statements of the reasons of such suspension [in excess of ten days,] or dismissals or demotions with the board, provided that copies of all such statements shall be furnished to the employes so suspended, dismissed, or demoted, on or before the effective date of such suspension, dismissal, or demotion [, provided further that employes holding probationary appointments may be dismissed without the appointing authority being required to furnish either the board or the suspended, or dismissed, or demoted employe with a written statement of the reasons for such suspension, dismissal, or demotion]. Any employe who has been suspended, [in excess of ten days,] dismissed, or demoted holding *any* [a regular] appointment, shall be entitled, upon written demand, to a public hearing by the board, at which time he shall have the right to introduce evidence in his own behalf, and to be represented by counsel.

(2) The board shall investigate and determine the justification for all suspensions in excess of ten days, or dismissals, or demotions, reported, or complained of, according to the provisions of this section. The board shall keep an accurate record of its proceedings under this section, including evidence presented at any public hearing. The board's order and findings shall be final subject to the right of appeal as set out in subsections (3) to (6) of this section. Enforcement of the suspension, dismissal or demotion shall not be suspended pending any proceeding or appeal provided in this section. Copies of the order and findings of the board shall be immediately delivered to the mayor, appointing authority, and to the suspended, dismissed, or demoted employe.

(3) Within twenty days after the order of the board has been entered under subsection (2), any employe, who has been aggrieved by the order of the board, or the mayor or the appointing authority may appeal to the circuit court in the county in which the city is located in the following manner.

(4) Upon request in writing by the person making the appeal, and the payment of costs therefor, the secretary of the board shall file a certified copy of the record and the findings of that body in the circuit court. Upon the record being filed the case shall be docketed in the circuit court and tried de novo.

(5) If the secretary fails to certify the record to the circuit court within five days after the request is made, then the aggrieved person may file an affidavit in that court setting out as fully as possible the charges, together with a copy of the board's findings and a statement that demand for the transcript had been made of the secretary more than five (5) days prior to the filing of the affidavit. Upon filing of this affidavit in the circuit court, the case shall be docketed in that court and the court may compel the filing of the transcript by the secretary by entering proper mandatory order, and upon failure of the secretary to do so, he shall be liable to fine and imprisonment for contempt. Such appeal shall have precedence over other business and be determined speedily.

(6) An appeal will lie from the judgment of the circuit court to the Court of Appeals as in other cases, in any controversy arising under this section.

(7) Nothing in KRS 90.110 to 90.230 shall permit the suspension, dismissal, or demotion of any employe subject to the provisions of KRS 90.110 to 90.230 on account of religious faith, race, color, creed, or political affiliation.

The Committee Amendment to **HB 807** is as follows:

Amend printed copy of House Bill 807, on page 6, lines 10 and 11 delete "*for each promotion the*" and delete four bracket marks

and on page 9, line 3, delete two bracket marks

and on page 9, lines 4 and 5 delete "*whether holding regular or probationary appointments*"

and on page 9, lines 8 and 9, delete set of brackets

and on page 9, line 13 delete bracket before comma

and on page 9, line 18 delete bracket before period

and on page 9, line 19 delete , and bracket

and on page 9, line 20 delete bracket after "days,"

and on page 9, line 20 delete "*any*" and following set of brackets

The Committee on Judiciary-Courts reported **HB 433, HB 435, HB 762, HB 765,** and **SB 161** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 433,** AN ACT relating to the practice of law and attorneys at law.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:
The Governor and the Lieutenant Governor shall not engage in the practice of law during their terms of office.

SECTION 2. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:
The attorney general shall not engage in the private practice of law during his term of office.

SECTION 3. KRS CHAPTER 21A IS ESTABLISHED AND A NEW SECTION THEREOF CREATED TO READ AS FOLLOWS:
To assist in the evaluation of applicants for admission to the practice of law, the Supreme Court may appoint a board of bar examiners.

SECTION 4. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:
(1) Any fees fixed by the Supreme Court to be paid by applicants for admission to the practice of law and for the issuance of a license to practice law shall be promptly paid into the state treasury by the person, officer or agency designated by the Supreme Court to receive or collect the fees.

(2) The Supreme Court shall make reasonable allowances to each member of the board of bar examiners for his services, for necessary clerical assistance and for necessary expenses incurred in the performance of his duties, such allowances to be paid at such times as the Court directs. The Court may make allowances to other persons for services and expenses necessary or proper in connection with the conducting of examinations of applicants for admission to practice law. The allowances provided for in this subsection shall be paid out of such appropriation as is made for the purpose.

SECTION 5. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

As deemed necessary in the exercise of its power to discipline attorneys, as granted by Section 116 of the Constitution, the Supreme Court may authorize the Kentucky Bar Association to conduct hearings, administer necessary oaths, take testimony under oath, compel the attendance of witnesses, and compel the production of records and other evidence.

SECTION 6. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The Supreme Court has power to provide for the organization, government and membership of the state bar of Kentucky and to adopt rules and regulations to govern conduct and activity of the state bar and its members.

SECTION 7. A NEW SECTION OF KRS CHAPTER 25 IS CREATED TO READ AS FOLLOWS:

(1) No county judge shall engage in the practice of law in any court inferior to the circuit court located in his county, except that he may practice in any litigation in which he was employed before his election or appointment, or which grows out of or is appealed from any case in which he was then employed, or in any case in which he is personally interested.

(2) This section shall cease to be in effect and stand repealed as of January 1, 1978.

SECTION 8. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) No county clerk or circuit clerk shall maintain a law partnership or association with an attorney at law.

(2) No circuit clerk, county clerk, justice of the peace, constable, or recorder shall keep his office with that of an attorney at law.

SECTION 9. A NEW SECTION OF KRS CHAPTER 376 IS CREATED TO READ AS FOLLOWS:

Each attorney shall have a lien upon all claims, except those of the state, put into his hands for suit or collection or upon which suit has been instituted, for the amount of any fee agreed upon by the parties or, in the absence of such agreement, for a reasonable fee. If the action is prosecuted to a recovery of money or property, the attorney shall have a lien upon the judgment recovered, legal costs excepted, for his fee. If the records show the name of the attorney, the defendant shall be deemed to have notice of the lien. If the parties in good faith and before judgment compromise or settle their controversy without the payment of money or other thing of value, the attorney for the plaintiff shall have no claim against the defendant for any part of his fee.

SECTION 10. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) If any attorney employed to attend to professional business neglects to attend to the business, after being paid anything for his services, or attends to the business unskillfully, he shall be liable to the client for all damages and costs sustained by reason thereof.

(2) If any attorney employed to attend to any professional business receives his fee and does not attend to the business, he may be sued and made to refund the fee.

SECTION 11. A NEW SECTION OF KRS CHAPTER 524 IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in subsection (2), a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he engages in the practice of law, as defined by rule of the Supreme Court.

(2) A licensed nonresident attorney in good standing, although not licensed in Kentucky, is not guilty of unlawful practice if, in accordance with rules adopted by the Supreme Court:

(a) He practices law under specific authorization of a court; or,

(b) He is temporarily in this state and engaged in the practice of law in a particular matter.

(3) Unlawful practice of law is a Class B misdemeanor.

Section 12. KRS Chapter 30 is repealed.

**HB 435,** AN ACT relating to the Supreme Court of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 21A IS ESTABLISHED AND A NEW SECTION THEREOF CREATED TO READ AS FOLLOWS:

The General Assembly recognizes the inherent right of the Supreme Court and the Chief Justice thereof to control those aspects of the Court of Justice which are reserved to the Supreme Court and the Chief Justice thereof pursuant to Sections 109 through 124 of the Constitution of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The Commonwealth is divided into seven (7) Supreme Court districts composed as follows:

(1) First District: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Simpson, Todd, Trigg and Webster Counties.

(2) Second District: Barren, Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Meade, Ohio, Union and Warren Counties.

(3) Third District: Adair, Anderson, Bell, Casey, Clay, Clinton, Cumberland, Green, Jackson, Knox, Larue, Laurel, Leslie, Lincoln, Marion, McCreary, Metcalfe, Monroe, Nelson, Owsley, Pulaski, Rockcastle, Russell, Spencer, Taylor, Washington, Wayne and Whitley Counties.

(4) Fourth District: Jefferson County.

(5) Fifth District: Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Jessamine, Lee, Madison, Mercer, Powell, Scott and Woodford Counties.

(6) Sixth District: Bath, Boone, Bracken, Campbell, Carroll, Fleming, Gallatin, Grant, Harrison, Henry, Kenton, Lewis, Mason, Nicholas, Oldham, Owen, Pendleton, Robertson, Shelby and Trimble Counties.

(7) Seventh District: Boyd, Breathitt, Carter, Elliott, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Letcher, Magoffin, Martin, Menifee, Montgomery, Morgan, Perry, Pike, Rowan and Wolfe Counties.

SECTION 3. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

Elections for justices of the Supreme Court shall be held at the regular elections, and every eight years thereafter, as follows:

(1) In the fifth district, in 1976;
(2) In the third district, in 1978;
(3) In the seventh district, in 1980; and
(4) In the first, second, fourth and sixth districts, in 1982.

SECTION 4. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) The clerk of the Supreme Court shall be appointed by the Court to serve at its pleasure. The annual salary of the clerk shall be fixed by the Supreme Court.

(2) Before entering upon the duties of his office, the clerk shall take the oath of office prescribed by the Constitution.

(3) The clerk shall perform such duties as the Supreme Court may assign, and shall be bonded to the Commonwealth, for faithful performance of duty, in such manner and in such amount as the Supreme Court shall determine.

(4) The clerk may appoint assistance in the number and at the salaries fixed by the Supreme Court.

(5) The Supreme Court shall adopt a seal. The clerk shall be the keeper of the seal and shall use it upon such documents as the Supreme Court may require.

(6) A fee schedule for services rendered by the clerk shall be fixed by rule of the Supreme Court, except that charges to litigants for the reproduction of appellate records and briefs shall be fixed and administered by the clerk. All fees collected by the clerk shall be remitted to the state treasury.

(7) The auditor of public accounts shall audit the financial accounts of the clerk at least once every year.

SECTION 5. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The Supreme Court may enforce its mandates by fine or imprisonment, or both.

SECTION 6. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) A judgment, order or decree of a lower court may be reversed, modified or set aside by the Supreme Court for errors appearing in the record.

(2) The method of bringing a judgment, order or decree of a lower court to the Supreme Court for review shall be established by Supreme Court rule. The procedures for appellate review shall be established by the Rules of Civil Procedure, Rules of Criminal Procedure and other rules promulgated by the Supreme Court.

SECTION 7. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

If the Supreme Court is equally divided in the decision of a case, the judgment, order or decree of the lower court shall stand affirmed.

SECTION 8. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) All opinions of the Supreme Court shall be published.

(2) The Supreme Court shall determine which opinions of the Court of Appeals and lower courts shall be published.

(3) The Supreme Court shall select the method of publication and the publisher or publishers of the opinions of the Court of Justice.

(4) There shall be no copyright of the opinions.

SECTION 9. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The original or final process of the Supreme Court may be directed to the sheriff of any county.

SECTION 10. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) At the request of the Chief Justice, the Governor shall provide through the Kentucky state police such security personnel and services for the Supreme Court and Court of Appeals as shall be necessary.

(2) When the Chief Justice, in his discretion, believes that local law enforcement personnel should be supplemented or superseded by the state police, the Governor shall provide through the Kentucky state policy the necessary security personnel and services for any person or facility in the Court of Justice.

(3) Notwithstanding the provisions of KRS 16.120, Kentucky state police officers serving the Court of Justice pursuant to subsections (1) or (2) of this section shall have statewide authority when performing any duty related to the Court of Justice.

SECTION 11. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

The records of the Court of Appeals involving proceedings before that court, prior to January 1, 1976, shall become part of the permanent records of the Supreme Court. Such records shall be given the same faith and credit as are records of the Supreme Court.

SECTION 12. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

Any retired justice or judge assigned to active judicial service pursuant to Section 110(5)(b) of the Constitution shall be compensated for his service as follows:

(1) The salary for each day which the justice or judge serves shall be the difference, if any, between 1/250 of annual retirement benefits and 1/250 of the annual salary for the judicial office in which he performs the judicial duties. However, this section shall not be construed to require a reduction in retirement benefits if the applicable salary would be less than the retirement benefits.

(2) Necessary expenses incidental to the performance of the duties of such assignment shall be paid out of the state treasury upon approval by the Chief Justice or his designee.

SECTION 13. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

If it becomes necessary for the Governor to appoint a justice to the Supreme Court pursuant to Section 110(3) of the Constitution, a person so appointed shall possess the qualifications of a Supreme Court justice. The compensation for service of such justice shall be determined by the Chief Justice of the Supreme Court and shall be paid out of the state treasury.

SECTION 14. KRS CHAPTER 21 IS REPEALED.

SECTION 15. Subsection (1) of Section 4 of this Act shall become effective on the first Monday in January, 1980, or on any earlier date upon which the constitutional office of clerk of the Supreme Court becomes vacant. Whereas the new constitutional provisions relating to courts became effective January 1, 1976, an emergency is declared to exist, and this Act, except for subsection (1) of Section 4, shall become effective upon its passage and approval by the Governor.

**HB 762,** AN ACT relating to juvenile courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 208.010 is amended to read as follows:

As used in KRS 208.010 to 208.540 and 208.990, unless the context otherwise requires:

(1) "Department" means the department for human resources;

(2) "Child" means any person who has not reached his twenty-first birthday;

(3) "Court" means the juvenile session of the county court;

(4) "Child welfare worker" means any employe of the department for human resources designated as such by the secretary of the department for human resources or a social worker employed by a county or city who has been approved by the department for human resources to handle, under its supervision, services to children;

(5) "Neglected or dependent child" has the same meaning as in subsection (4) of KRS 199.011;

(6) "Abandoned child" has the same meaning as in subsection (5) of KRS 199.011;

(7) "Needy child" means one who is in want and deprived of any of the following: the necessities for living; the education required by law; or the supervisory, medical or other care necessary for his well-being; [.]

*(8) "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime;*

*(9) "Status action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be termed criminal or delinquent, and such children shall not be considered delinquents;*

*(10) "Dependency action" is any action brought on behalf of a neglected, dependent, abandoned, or needy child;*

*(11) "Violation" means any offense, other than a traffic infraction, for which a sentence to a fine only can be imposed;*

*(12) "Secure detention facility" is a physically secure setting which is entirely separated from sight and sound from all other portions of the jail containing adult prisoners and which has an adequate staff and services consistent with the needs of each child;*

*(13) "Emergency shelter" is a group home, private residence, or similar home-like facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child.*

Section 2. KRS 208.020 is amended to read as follows:

(1) The juvenile session of the county court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county who has not reached his eighteenth birthday:

(a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Who does not subject himself to the reasonable control of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or

(c) Who is an habitual truant from home or from school; or

(d) Who is found by the court to be dependent, neglected, needy or abandoned.

(2) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(3) The court of each county shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070.

(4) The court shall have exclusive jurisdiction of persons who and no person shall wilfully and unnecessarily expose to the inclemency of the weather, or in any other manner wilfully injure in health or limb any child actually or apparently under the age of sixteen (16) years.

(5) The court shall have exclusive jurisdiction of persons who and no person shall for gain or reward employ or cause to be employed, or exhibit, use, or have in his custody for the purpose of exhibiting, or employing, any child actually or apparently under the age of sixteen (16) years, nor shall any person having the care, custody, or control of such child, in any way procure, or consent for gain or reward, to the employment or exhibition of such child, either:

(a) In begging or receiving alms, or in any mendicant occupation;
(b) If the child is a female, in peddling or in any wandering occupation;
(c) In any indecent or immoral occupation or practice;
(d) In the exhibition of any such child when insane, or idiotic; or
(e) In any practice or exhibition of unusual danger to life, limb, health or morals of the child.

(6) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The juvenile court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for its custody, pending the outcome of proceedings in circuit court to determine its permanent custody. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court, awarding custody of such child, all prior orders of the juvenile court in conflict therewith shall be deemed canceled.

*(7) Actions brought under KRS 208.020(1)(a) shall be considered to be delinquency actions.*

*(8) Actions brought under KRS 208.020 (1)(b) and (c) shall be considered to be status actions.*

*(9) Actions brought under KRS 208.020(1)(d) shall be considered to be dependency actions.*

Section 3. KRS 208.060 is amended to read as follows:

(1) All cases involving children brought before the court shall be granted a speedy hearing and shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings may be conducted in an informal manner. The general public shall be excluded and only the immediate families *or guardians* of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation worker with direct interest in the case, those persons enumerated under KRS 208.040, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his attorney may be admitted to the hearing. Witnesses shall be admitted to the hearing only for the duration of their testimony.

(2) Juvenile proceedings shall consist of two distinct hearings, an adjudication and a disposition, which may, upon motion of the child, be held on separate days.

(a) The adjudication shall determine the truth or falsity of the allegations in the petition and shall be made on the basis of an admission or confession of the child to the court or by the taking of evidence.

(b) Upon motion by any child brought before the court on a petition under KRS 208.020 (1) (a), (b), or (c), the Rules of Criminal Procedure shall apply to all matters involved in the adjudication of the case. All adjudications shall be supported by evidence beyond a reasonable doubt.

(c) After adjudication, *a determination by the court that detention pending disposition is necessary shall be based on a finding of the court by a preponderance of the evidence that the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community* [the court shall determine whether the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community and warrant his detention pending the disposition].

(d) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child. Unless the provisions of subsections (3) and (4) are observed by the court, the disposition shall be limited to an informal adjustment of the matter between the parties and the court. The provisions of subsections (3) and (4) shall be conditions precedent to any commitment, court-ordered probation, restitution, or other disposition enforceable by the authority of the court. No public or private agency or body, or party before the court, shall [be required to] participate in any order of the court unless it receives from the court a verified statement, signed by the juvenile judge, that the rights enumerated in subsections (3) and (4) were granted to the child during the proceedings in juvenile court.

(3) Before commencing a hearing and proceeding to determine the truth or falsity of the allegations in a petition filed with the court under KRS 208.020 (1) (a), (b), or (c), the court shall decide, on the basis of a preliminary inquiry made by the court, whether or not the best interest of the child indicates that the petition should be dismissed and the child's case adjusted informally among the parties. An informal adjustment may be made at any time during the proceedings. All petitions brought under KRS 208.020 (1) (a), (b), or (c) shall receive this consideration by the court. No petition shall be brought against the child as a result of information given to the court by the child as part of an informal adjustment. If the court finds it necessary to extend the discussion, during an informal adjustment, beyond the immediate subject matter of the complaint before it, the child and his parents, relative, guardian, or custodian shall be advised of all the rights under this subsection. If the court determines that a formal proceeding is required to determine the truth or falsity of the allegations against the child, a petition, sworn to by the complainant, shall be required pursuant to KRS 208.070 (1) and (2), and the court shall, when the child is brought before the court:

(a) Explain to the child and his parents, relative, guardian, or custodian their respective rights to counsel and, if the child and his parents, relative, guardian, or custodian are unable to obtain counsel, shall appoint counsel for the child and may appoint counsel for the parents, relative, guardian, or custodian;

(b) Explain the privilege against self-incrimination by saying that the child, parents, relative, guardian, or custodian may remain silent concerning the charges against the child, and that anything said may be used against the child and result in his commitment to *the department or* an institution for juvenile delinquents;

(c) Explain the right to confront anyone who has accused the child and to cross-examine that person on the allegations made against the child;

(d) Advise the child and his parents, relative, guardian, or custodian of the right to appeal from a determination of the court;

(e) Advise the child that these rights belong to him and may not be waived by his parents, relative, guardian, or custodian.

(4) At the disposition of a child adjudicated on a petition brought pursuant to KRS 208.020 (1) (a), (b), or (c), all information helpful in making a proper disposition, including oral and written reports, may be received by the court *in compliance with KRS 208.060(2)(d)* and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and controvert the reports and cross-examine the individuals making the reports.

(5) In the case of any child brought before the court on a petition under KRS 208.020 (1) (d), the rules of evidence and procedure described in subsection (3) of this section shall apply.

Section 4. KRS 208.110 is amended to read as follows:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in KRS 208.010 to 208.540. The law relating to bail shall not be applicable to children detained in accordance with KRS 208.010 to 208.540.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing an offense, under the provisions of KRS 208.020 (1) (a), (b), or (c) the officer shall immediately notify the parent, or if the parent is not available, then a relative, guardian, or custodian of the child, that the child has been detained, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for the detention, and state the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a petition, warrant, or both may be issued for the apprehension of the person or of the child, or both.

[(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention. When a child is detained in any way or for any reason, there shall be a hearing held within forty-eight hours, exclusive of Sunday, of the commencement of detention to determine whether or not there is reasonable cause to believe that an offense has been committed and that the detained child committed the offense. The Commonwealth shall bear the burden of proof, and if it shall fail to establish such reasonable cause, the child shall be released and the complaint dismissed. If such reasonable cause is established, the court shall then determine whether or not the circumstances surrounding the child are such as to endanger its safety or welfare or that of the community. The Commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence. Upon such showing of proof and order of the court, the child shall be detained until such time as the court may withdraw the order for detention or make a speedy disposition in the child's best interest. Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible person pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.]

[(5) Whether the child is released before or after a hearing, or is detained as the result of such a hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least forty-eight hours prior to the initial hearing on the case.]

Section 5. KRS 208.130 is amended to read as follows:

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the *custody and care* [detention] of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department, and shall conform to rules and regulations prescribed by the department.

(5) Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

(6) The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile courts jurisdiction over the department's regional reception-diagnostic centers.

Section 6. KRS 208.170 is amended to read as follows:

(1) If, *prior to an adjudicatory hearing* [during the course of any proceeding] in the juvenile court, it appears to the court that there is reasonable cause to believe that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen (16) years of age or older, or was less than sixteen (16) years of age but the offense was a class A felony or a capital offense, and the court is of the opinion that the [best interests of the child and of the public require that the] child be tried and disposed of under the regular law governing crimes, the court *shall conduct a separate hearing to determine if the case should be transferred* [in its discretion may make an order transferring the case] to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

*(2) The hearing held to consider the transfer of a juvenile to the circuit court shall determine if there is probable cause to believe that an offense was committed and that the child committed the offense.*

*(3) If the court determines that probable cause exists, it shall then determine if it is in the best interest of the child and the community to order such a transfer based upon the seriousness of the alleged offense; whether the offense was against person or property, with greater weight being give to offenses against persons; the maturity of the child as determined by his environment; the child's prior record; and the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities currently available to the juvenile justice system.*

*(4) If, following completion of the transfer hearing, the court is of the opinion that the best interest of the child and of the public would be protected by such transfer, the order of transfer shall state the reason for such transfer.*

*(5)* [(2)] When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, *it shall be instructed that* it may either return an indictment or may return a written report to the circuit court recommending that the child be *transferred to the juvenile court* [committed to the department]. If the court believes that such *transfer* [commitment] would be proper, it may order the child *transferred* [committed] to the *juvenile court* [department].

(b) *If an indictment is returned, the court may in its discretion order the case transferred to the juvenile court.* [If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.]

(c) If *an indictment is returned and the court does not transfer the case to juvenile court* [neither of the procedures specified in paragraphs (a) and (b) of this subsection are employed], the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

[(e) Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one (21).]

Section 7. KRS 208.180 is amended to read as follows:

(1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection *(5)* [(2)] of KRS 208.170 is convicted of a felony, and sentenced to imprisonment, he shall be committed to the *custody of the bureau of corrections* [penitentiary], except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches twenty-one (21) years of age, the commitment to the department shall be for an indeterminate period not to exceed the age of twenty-one (21). If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one (21), the commitment shall be to the department until the age of twenty-one (21), and thereafter to the *custody of the bureau of corrections* [penitentiary]. In the latter case, if the child is out on parole at the time he becomes twenty-one (21), he may be transferred to supervision of adult parole officers. However, if the parole is revoked he shall be returned to the *custody of the bureau of corrections* [penitentiary] and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection *(5)* [(2)] of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one (21) years.

Section 8. KRS 208.200 is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of subsections (1) or (2) of KRS 208.020, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation or supervision shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation and supervision methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation or supervision shall remain subject to the jurisdiction of the juvenile court until he becomes twenty-one (21) years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency other than the department authorized to care for such children, or under the guardianship of a suitable person. Such commitment shall be until the age of twenty-one (21) subject to the power of the court to discharge the child prior thereto, or of the governing authorities of said agency or institution to do so upon notice to the court. In committing a child to a private institution or agency the court shall select one that is approved by the department for human resources and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(c) Commit the child to the department. Such commitment shall be for an indeterminate period not to exceed the age of twenty-one (21).

(2) If, in its decree, the juvenile court finds that the child comes within the purview of subsection (1) or (2) of KRS 208.020, the court may dispose of the child as provided in subsection (1) of this section, except that if a child comes within the purview of paragraph (d) of subsection (1) of KRS 208.020, the court may not commit the child to the department unless the department has indicated to the court that it has facilities and funds available to care for the child and is willing to accept the commitment.

(3) In the event a child who has not reached his eighteenth birthday commits a new offense while a ward of the department, the court shall have exclusive, original jurisdiction of the new offense, and may modify all previous orders, including that committing the child to the department. Nothing in this section shall limit the jurisdiction of any other court in assuming jurisdiction of wards of the department between the ages of eighteen (18) and twenty-one (21) years who have committed another public offense after attaining the age of eighteen (18).

(4) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of, in accordance with this chapter, except that after a child has been disposed of as provided in paragraph (a) or (b) of subsection (1) of this section he may not then be transferred to the circuit court as provided for in KRS 208.170.

*(5) If a child sixteen (16) years of age or older has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, the court in its discretion may order as follows:*

*(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred and twenty (120) hours for a child adjudicated delinquent in the commission of a class A misdemeanor, not to exceed eighty (80) hours for a child adjudicated delinquent in the commission of a class B misdemeanor, and not to exceed forty (40) hours for a child adjudicated delinquent in the commission of an offense classified as a violation under the penal code. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution authorized by KRS 208.240.*

*(b) The court may impose a fine for a misdemeanor or violation offense. The imposition of a fine for a misdemeanor or violation offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine.*

*(c) Fines shall be levied consistent with the schedule set forth below:*

*For a class A misdemeanor, not to exceed $150;*
*For a class B misdemeanor, not to exceed $75; and*
*For a violation, not to exceed $50.*

*When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately.*

*(6) When a child has been ordered to comply with the provisions in subsection (5) above and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require the child to show cause why he should not be held in detention for noncompliance with the court order. The court may issue an order of custody or a summons for his appearance.*

*(7) Following issuance of a show cause order pursuant to subsection (6) above, unless the child can show that noncompliance was not the result of an intentional refusal to comply with the court order or not the result of a failure to make a good faith effort to comply with the court order, the court may order the child detained as follows:*

*(a) For a period not to exceed five (5) days if the order is imposed for the commission of a Class A misdemeanor;*

*(b) For a period not to exceed three (3) days if the order is imposed for the commission of a Class B misdemeanor;*

*(c) For a period not to exceed two (2) days if the order is imposed for the commission of a violation.*

*Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational obligations of the child, and shall be in an approved detention facility as provided in KRS 208.130.*

*(8) When in the judgment of the court a disposition stated above in subsection (5) is inadequate to aid in the rehabilitation of a misdemeanor offender, the court in its discretion may order a child sixteen (16) years of age or older who has been adjudicated delinquent in the commission of an offense classifed as a misdemeanor to detention in an approved detention facility as provided in KRS 208.130 based upon the schedule set forth below:*

*Class A misdemeanor, 1 to 30 days*
*Class B misdemeanor, 1 to 15 days*

*The detention of a juvenile misdemeanor offender shall not be scheduled to interfere with the educational obligations of the child. Detention may be scheduled during periods such as weekends, after school, or overnight. Any portion of a day spent in detention shall be deemed as one day for the purposes of serving a detention term.*

*(9)* [(5)] No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 9. KRS 208.230 is amended to read as follows:

In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to *have engaged in an unlawful transaction with a minor or endangered the welfare of a minor or in any way* [be] encouraging, causing or contributing to the acts or conditions which bring the child within the purview of KRS 208.020 to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. *The court may, in its discretion, order the appearance of the parents,* *relative, guardian, custodian, or other person having custody of the child at any court hearing involving the child.* In case of failure to comply with *any orders entered pursuant to the provisions of this section* [such requirement], the court may proceed against such persons for contempt of court.

Section 10. KRS 208.270 is amended to read as follows:
Whenever any court commits a child to the department or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the department, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the department, institution or agency in behalf of the child. *Such certified order shall be sufficient authority for any law enforcement officer to detain any person named therein and deliver him to such a place as shall be directed by the department, institution or agency given custody of him in the order.*

Section 11. KRS 208.290 is amended to read as follows:
On or before March 1 of each year, each county clerk shall submit to the department a written report showing the number and disposition of *all* children [who have committed public offenses] that have been brought before the juvenile court during the preceding calendar year, together with such information as the department shall prescribe.

Section 12. KRS 208.420 is amended to read as follows:
(1) The department may establish and operate regional reception-diagnostic centers for the observation, study and classification of children committed to it. Such children *may* [shall] upon their commitment be placed in a reception center for a period of observation and study. The reception centers shall be furnished with adequate psychiatric, psychological and social services. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the department shall make a recommendation as to the character of treatment or disposition which should initially be provided for the child.
(2) The regional reception-diagnostic centers established by the department may also be utilized as detention and evaluation facilities for children whose cases are pending final disposition of the juvenile court. This use of the facilities shall be made pursuant to agreement between the department and the individual fiscal courts.

Section 13. KRS 208.460 is amended to read as follows:
If it appears that a child committed to the department is mentally ill or defective, the department may use state mental hospital facilities or other resources for observation of mental conditions. *This period of observation shall not exceed thirty (30) days. After thirty (30) days, the child shall be removed or a mental inquest proceeding through circuit court shall be obtained pursuant to the appropriate provisions of KRS Chapter 202.* If it appears from such observations that the child requires treatment or hospitalization for mental illness or defect, the department shall cause proceedings to be instituted pursuant to the appropriate provisions of KRS chapter 202.

Section 14. KRS 208.510 is amended to read as follows:
Any child committed to the department who is placed on *supervised placement from a residential treatment facility* [parole] by the department and who violates the terms or conditions of *supervised placement* [parole] may be apprehended and returned to active custody of the department by any probation officer of the department or by any peace officer on direction of the department, *provided that an administrative hearing has been held by persons designated by the department to hear such matters at which time the child and parents shall be given an opportunity to be heard and be represented by counsel.*

Section 15. KRS 208.540 is amended to read as follows:
Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the department shall be allowed *an amount prescribed by regulation adopted by the executive department for finance and administration* [ten cents (10¢) per mile,] calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the department, for payment out of funds appropriated for the purpose.

SECTION 16. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
(1) If child is not released as provided in subsection (3) of KRS 208.110, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. The officer shall as soon as

possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention.

(2) When a child is detained for the alleged commission of an offense as provided in KRS 208.020(1)(a), (b), and (c) and not released, a hearing shall be held as soon as practical, but not to exceed seventy-two (72) hours, exclusive of Sunday, and legal holidays, of the commencement of detention.

(3) The child shall be afforded all constitutionally guaranteed rights at every stage of the proceedings including, but not limited to notice of the charges, the privilege against self-incrimination, the right to confront and cross-examine witnesses and the right to counsel.

(4) The hearing shall address the following issues:

(a) If there is probable cause to believe that an offense has been committed and that the accused child committed that offense. The commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence, and if it should fail to establish such probable cause, the child shall be released and the complaint dismissed;

(b) Whether further detention is necessary to assure the safety of the child, protection of the community, and the appearance of the child in court;

(c) In determining detention for offenses provided in KRS 208.020, the court shall consider the seriousness of the alleged offense; the possibility that the child would commit and offense dangerous to himself or the community pending disposition of the original offense; the child's prior record, if any; and whether there are charges pending against the child in another jurisdiction;

(d) In determining detention for offenses provided in KRS 208.020(1)(b) and (c), the court shall consider the availability of a parent, guardian or responsible adult, court-appointed supervisory or probation personnel, or foster care or emergency shelter care facilities that would insure the control and safety of the child; and the availability of adequate and secure detention facilities which would provide segregated detention for the child. Secure detention for status offenders is to be used in only those cases when the court is of the opinion that other alternatives are either not available or cannot provide the degree of control and safety necessary to assure the safety and security of the child.

(5) If, after completion of the detention hearing the court is of the opinion that detention is necessary, the order shall state in writing the specific reasons for detention and the nature of the detention.

(6) Unless a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible persons pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.

(7) Whether the child is released before or after a hearing, or is detained as a result of such hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least seventy-two (72) hours prior to the initial hearing on the case.

SECTION 17. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a class A felony, class B felony, or capital offense or found guilty of a class A felony, class B felony, or capital offense, the sentencing court in its discretion may commit the child to the department for purposes of institutionalization for an indeterminate period of time of not less than six (6) months.

(2) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a felony offense or found guilty of a felony offense and has previously been adjudicated delinquent of a felony offense or found guilty of a felony offense in two or more separate adjudications, the sentencing court in its discretion may commit the child to the department for purposes of institutionalization for an indeterminate period of time of not less than six (6) months.

(3) The department shall maintain jurisdiction over the child during the the period of the commitment.

(4) The department shall notify the committing court prior to the termination of institutionalization as to the future intentions of the department as they relate to continued treatment of the child.

(5) The committing court may, with the consent of the department and upon motion of the child, grant shock probation to any child committed under this section after the child has been committed for a minimum of thirty(30) days.

Section 18 A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) All records and physical evidence so obtained shall be surrendered to the court upon elimination of a child as a suspect in the case.

(3) Any person who violates the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 19. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The juvenile court shall notify the law enforcement agency of the child's county of residence and the law enforcement agencies where any offense was committed of the disposition of each case and of each child committed by the court who is placed in a residential treatment facility by the department.

(2) The department shall notify the juvenile court of the county of placement with the conditions of supervised placement of each child placed in that county from one of the residential treatment facilities operated by the department. Notice of the conditions of such placement may be made available by the court to any law enforcement agency.

**HB 765,** AN ACT relating to the Uniform Reciprocal Enforcement of Support Act.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 407.180 is amended to read as follows:

(1) The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the addresses and circumstances of the defendant, his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or Social Security number.

(2) The complaint may be filed in the appropriate court of any state in which the obligee resides *or if the obligee is a resident of a military reservation within the commonwealth of Kentucky, the complaint may be filed in the appropriate court in the county adjacent to said military reservation with the largest population.* The court shall not decline or refuse to accept and forward the complaint on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

**SB 161,** AN ACT relating to the Court of Appeals of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 22A IS ESTABLISHED AND A NEW SECTION THEREOF TO READ AS FOLLOWS:

The General Assembly recognizes that matters relating to the operation of the Court of Appeals fall within the purview of the Court of Justice as provided in Sections 109 through 124 of the Constitution of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) The Court of Appeals shall consist of fourteen (14) judges, with two (2) judges from each of seven (7) Court of Appeals districts.

(2) The districts of the Court of Appeals shall correspond in geographical dimensions to the districts of the Supreme Court, as defined in KRS Chapter 21A.

SECTION 3. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in Section 110 of the Constitution, an appeal may be taken as a matter of right to the Court of Appeals from any conviction, final judgment, order, or decree in any case in circuit court, unless such conviction, final judgment, order, or decree was rendered on an appeal from a court inferior to circuit court.

(2) The Court of Appeals has jurisdiction to review interlocutory orders of the circuit court in civil cases, but only as authorized by rules promulgated by the Supreme Court.

(3) Notwithstanding any other provision in this Section, there shall be no review by appeal or by writ of certiorari from that portion of a final judgment, order or decree of a circuit court dissolving a marriage.

(4) An appeal may be taken to the Court of Appeals by the state in criminal cases from an adverse decision or ruling of the circuit court, but only under the following conditions:

(a) Such appeal shall not suspend the proceedings in the case.

(b) Such appeal shall be taken in the manner provided by the Rules of Criminal Procedure and the Rules of the Supreme Court, except that the record on appeal shall be transmitted by the clerk of the circuit court to the attorney general; and if the attorney general is satisfied that review by the Court of Appeals is important to the correct and uniform administration of the law, he may deliver the record to the clerk of the Court of Appeals within the time prescribed by the above-mentioned Rules.

(c) When an appeal is taken pursuant to this subsection, the Court of Appeals, if the record so warrants, may reverse the decision of the circuit court and order a new trial in any case in which a new trial would not constitute double jeopardy or otherwise violate any constitutional rights of the defendant.

(5) Any party aggrieved by the judgment of the circuit court in a case appealed from a court inferior thereto may petition the Court of Appeals for a writ of certiorari.

SECTION 4. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) The administrative director of the courts shall provide for such physical facilities as are available for the operation of the Court of Appeals, and may utilize the services of the executive department for finance and administration in securing such facilities.

(2) The Court of Appeals may use any public property of, or any property leased or rented to, the Commonwealth or any of its political subdivisions for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities.

(3) The Court of Appeals may use any federal courtroom or other facility for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities.

SECTION 5. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) The clerk of the Court of Appeals shall be appointed by the court to serve at its pleasure. The annual salary of the clerk shall be fixed by the Supreme Court.

(2) Before entering upon the duties of his office, the clerk shall take the oath of office prescribed by the Constitution.

(3) The clerk shall perform such duties as the Court of Appeals may assign, and shall be bonded to the Commonwealth, for faithful performance of duty, in such manner and in an amount not less than $10,000 as the Supreme Court shall determine.

(4) The clerk may appoint assistants in the number and at the salaries fixed by the Supreme Court.

(5) The Court of Appeals shall adopt a seal. The clerk shall be the keeper of the seal and shall use it upon such documents as the Court of Appeals may require.

(6) A fee schedule for services rendered by the clerk shall be fixed by rule of the Supreme Court, except that charges to litigants for the reproduction of appellate records and briefs shall be fixed and administered by the clerk. All fees collected by the clerk shall be remitted to the state treasury.

(7) The auditor of public accounts shall audit the financial accounts of the clerk at least once every year.

SECTION 6. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

The Court of Appeals may enforce its mandates by fine or imprisonment, or both.

SECTION 7. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) A judgment, order or decree of a lower court may be reversed, modified or set aside by the Court of Appeals for errors appearing in the record.

(2) The method of bringing a judgment, order or decree of a lower court to the Court of Appeals for review shall be established by Supreme Court rule. The procedures for appellate review shall be established by the Rules of Civil Procedure, Rules of Criminal Procedure and other rules promulgated by the Supreme Court.

SECTION 8. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

The original or final process of the Court of Appeals may be directed to the sheriff of any county.

SECTION 9. Whereas the new constitutional provisions relating to courts became effective January 1, 1976, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee Amendment to **SB 161** is as follows:

Amend printed copy of Senate Bill 161, on page 4, line 4, by deleting the period and substituting in lieu thereof a comma; and by adding the words "not to exceed twenty-two thousand dollars ($22,000)."

The Committee on Highways and Traffic Safety reported **HB 322,** with Committee Amendment attached thereto, and **HB 570,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 322,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 190 is created to read as follows:
As used in this Act:
(1) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.
(2) "Repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.
(3) "Transfer" means to change ownership by purchase, gift, or any other means.

Section 2. A new section of KRS Chapter 190 is created to read as follows:
It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage the vehicle has been driven as registered by the odometer within the manufacturer's designed tolerance.

Section 3. A new section of KRS Chapter 190 is created to read as follows:
It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

Section 4. A new section of KRS Chapter 190 is created to read as follows:
It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

Section 5. A new section of KRS Chapter 190 is created to read as follows:
No person shall conspire with any other person to violate this Act.

Section 6. A new section of KRS Chapter 190 is created to read as follows:
Nothing in this Act shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

Section 7. A new section of KRS Chapter 190 is created to read as follows:
(1) Any transferor must give a written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle.
(a) Disclosing the cumulative mileage registerd on the odometer.
(b) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.
(2) It shall be a violation of this section for any transferor to knowingly give a false statement to a transferee in making any disclosure required by this Act.

Section 8. A new section of KRS Chapter 190 is created to read as follows:
(1) Any person who, with intent to defraud, violates any requirement imposed under this Act shall be liable to the transferee in an amount equal to the sum of:

(a) Three times the amount of actual damages sustained of fifteen hundred dollars ($1,500), whichever is the greater; and

(b) In the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

(2) An action to enforce any liability created under subsection (1) of this section, may be brought in a circuit court of a county in which the purchaser of the motor vehicle resides.

Section 9. A new section of KRS Chapter 190 is created to read as follows:

Any person who wilfully violates this Act shall be subject to a civil penalty of five thousand dollars ($5,000) per violation, which may be recovered on behalf of the commonwealth by the attorney general.

The Committee Amendment to **HB 322** is as follows:

Amend printed copy of House Bill 322, on page 3, line 12, by deleting the "." and inserting in lieu thereof a ":";

and on page 4, after line 11 by adding the following:

"Section 9. A new section of KRS Chapter 190 is created to read as follows:

Compliance with Section 7 of this Act shall be effected by use of forms prescribed by 15 U.S.C. Section 1981 et. seq.";

and on page 4, line 12 by deleting the "9" and inserting in lieu thereof "10";

and on page 4, line 15 by deleting the word "civil".

**HB 570,** AN ACT relating to billboard advertising.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 177.830 is amended to read as follows:

As used in KRS 177.830 to 177.890 *and this Act*, unless the context requires otherwise:

(1) "Limited-access highway" means a road or highway or bridge constructed pursuant to the provisions of KRS 177.220 through 177.310;

(2) "Interstate highway" means any highway, road, street, access facility, bridge or overpass which is designated as a portion of the national system of interstate and defense highways as may be established by law, or as may be so designated by the department of highways in the joint construction of the system by the department of highways and the United States department of transportation, bureau of public roads;

(3) "Federal-aid primary highway" means any highway, road, street, appurtenant facility, bridge or overpass which is designated as a portion of the federal-aid primary highway system as may be established by law or as may be so designated by the department of highways and the United States department of transportation;

(4) "Turnpike" means any road or highway or appurtenant facility constructed pursuant to the provisions of KRS 177.390 through 177.570, or pursuant to the provisions of any other definition of "turnpike" in the Kentucky Revised Statutes, or any other highway, road, parkway, bridge or street upon which a toll or fee is charged for the use of motor vehicular traffic;

(5) "Advertising device" means any billboard, sign, notice, poster, display or other device intended to attract the attention of operators of motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction;

(6) "Highway or highways" as used in KRS 177.830 to 177.890 means limited access highway, interstate highway, federal-aid primary highway, or turnpike as defined in KRS 177.830 to 177.890;

(7) "Commercial or industrial zone" adjacent to a federal-aid primary highway means an area zoned to permit business, commerce or trade pursuant to lawful ordinance or regulation;

(8) "Unzoned commercial or industrial area" adjacent to a federal-aid primary highway means an area which is not zoned by state or local law, regulation or ordinance and on which either a commercial or industrial activity is conducted or a permanent structure therefor is located together with the area extending

along the highway for such distances as may be determined by regulation promulgated by the commissioner of highways. Each side of the highway will be considered separately in applying this definition—ll measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel the edge of the pavement of the highway;

(9) "Commercial or industrial activities" for purposes of unzoned industrial and commercial areas means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(c) Activities normally or regularly in operation less than three (3) months of the year;

(d) Transient or temporary activities;

(e) Activities not visible from the main traveled way;

(f) Activities more than 300 feet from the nearest edge of the right of way;

(g) Activities conducted in a building principally used as a residence;

(h) Railroad tracks and minor sidings.

*(10) "Urban areas" means those areas designated as urban areas by the Federal Highway Administration. Records of said designation shall be kept on file for public inspection by the Department of Transportation.*

Section 2. KRS 177.860 is amended to read as follows:

The commissioner of highways shall prescribe by regulations reasonable standards for the advertising devices hereinafter enumerated, designed to protect the safety of the users of the highways and otherwise to achieve the objectives set forth in KRS 177.850, and the erection and maintenance of any of the following advertising devices, if they comply with such regulations, shall not be deemed a violation of KRS 177.830 to 177.890:

(1) An advertising device which is to be erected or maintained on property for the purpose of setting forth or indicating:

(a) The name and address of the owner, lessee or occupant of such property; or

(b) The name or type of business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) An advertising device which is not visible from any traveled portion of the highway;

(3) An advertising device indicating the sale or leasing of the property upon which it is placed;

(4) Advertising devices which *are in areas zoned industrial or commercial under the authority of state law* [otherwise comply with the applicable zoning ordinances and regulations of any county or city, and which are to be located in a commercially or industrially developed area, in which the commissioner of highways determines, in exercise of his sound discretion, that the location of such advertising devices is compatible with the safety and convenience of the traveling public].

SECTION 3. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided in KRS 177.830 to 177.890, the erection or maintenance of any advertising device upon or within 660 feet of the right of way of any interstate highway, limited-access highway, federal-aid primary highway or turnpike is prohibited.

(2) The erection or maintenance of any advertising device located outside of an urban area and beyond 660 feet of the right of way which is legible and/or identifiable from the main traveled way of any interstate highway, limited-access highway, federal-aid primary highway or turnpike is prohibited with the exception of:

(a) Directional and official signs and notices;

(b) Signs advertising the sale or lease of property upon which they are located; or

(c) Signs advertising activities conducted on the property on which they are located.

(3) Any advertising device lawfully in existence on the effective date of this Act which lies beyond 660 feet of the right of way of any turnpike may continue to be maintained for a period of ten years after that date, but may not be enlarged, replaced, or relocated on such highway except in areas where otherwise allowed by the provisions of KRS 177.830 to 177.890 or regulations adopted thereunder. At the expiration of this ten-year period all such advertising devices, not otherwise allowed by law, shall be removed without compensation.

Section 4. KRS 177.840 is hereby repealed.

The Committee Substitute for **HB 570** is as follows:

**HB 570,** AN ACT relating to billboard advertising.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 177.830 is amended to read as follows:

As used in KRS 177.830 to 177.890 *and this Act*, unless the context requires otherwise:

(1) "Limited-access highway" means a road or highway or bridge constructed pursuant to the provisions of KRS 177.220 through 177.310;

(2) "Interstate highway" means any highway, road, street, access facility, bridge or overpass which is designated as a portion of the national system of interstate and defense highways as may be established by law, or as may be so designated by the department of *transportation* [highways] in the joint construction of the system by the department of *transportation* [highways] and the United States department of transportation, bureau of public roads;

(3) "Federal-aid primary highway" means any highway, road, street, appurtenant facility, bridge or overpass which is designated as a portion of the federal-aid primary highway system as may be established by law or as may be so designated by the department of *transportation* [highways] and the United States department of transportation;

(4) "Turnpike" means any road or highway or appurtenant facility constructed pursuant to the provisions of KRS 177.390 through 177.570, or pursuant to the provisions of any other definition of "turnpike" in the Kentucky Revised Statutes, or any other highway, road, parkway, bridge or street upon which a toll or fee is charged for the use of motor vehicular traffic;

(5) "Advertising device" means any billboard, sign, notice, poster, display or other device intended to attract the attention of operators of motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction;

(6) "Highway or highways" as used in KRS 177.830 to 177.890 means limited access highway, interstate highway, federal-aid primary highway, or turnpike as defined in KRS 177.830 to 177.890;

(7) "Commercial or industrial zone" adjacent to a federal-aid primary highway means an area zoned to permit business, commerce or trade pursuant to lawful ordinance or regulation;

(8) "Unzoned commercial or industrial area" adjacent to a federal-aid primary highway means an area which is not zoned by state or local law, regulation or ordinance and on which either a commercial or industrial activity is conducted or a permanent structure therefor is located together with the area extending along the highway for such distances as may be determined by regulation promulgated by the *secretary of transportation* [commissioner of highways]. Each side of the highway will be considered separately in applying this definition—ll measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel the edge of the pavement of the highway;

(9) "Commercial or industrial activities" for purposes of unzoned industrial and commercial areas means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(c) Activities normally or regularly in operation less than three (3) months of the year;

(d) Transient or temporary activities;

(e) Activities not visible from the main traveled way;

(f) Activities more than 300 feet from the nearest edge of the right of way;

(g) Activities conducted in a building principally used as a residence;

(h) Railroad tracks and minor sidings.

*(10) "Urban areas" means those areas which the secretary of transportation, in the exercise of his sound discretion and upon consideration being given to the population within boundaries of an area and to the traveling public, determines by official order to be urban; provided, however, that any such determination or designation of the secretary shall not, in any way, be at variance with the federal law or regulation thereunder or jeopardize the allotment or qualification for federal-aid funds of the Commonwealth of Kentucky.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided in KRS 177.830 to 177.890, the erection or maintenance of any advertising device upon or within 660 feet of the right of way of any interstate highway, limited-access highway, federal-aid primary highway or turnpike is prohibited.

(2) The erection or maintenance of any advertising device located outside of an urban area and beyond 660 feet of the right of way which is legible and/or identifiable from the main traveled way of any interstate highway, limited-access highway, federal-aid primary highway or turnpike is prohibited with the exception of:

(a) Directional and official signs and notices;

(b) Signs advertising the sale or lease of property upon which they are located; or

(c) Signs advertising activities conducted on the property on which they are located.

(3) Any advertising device lawfully in existence on the effective date of this Act which lies beyond 660 feet of the right of way of any turnpike may continue to be maintained for a period of ten years after that date, but may not be enlarged, replaced, or relocated on such highway except in areas where otherwise allowed by the provisions of KRS 177.830 to 177.890 or regulations adopted thereunder. At the expiration of this ten-year period all such advertising devices, not otherwise allowed by law, shall be removed.

Section 3. KRS 177.840 is hereby repealed.

Section 4. Whereas this Act prohibits the construction of billboards near certain highways after its effective date and authorizes the state to purchase those billboards erected prior to the Act's effective date, an emergency is declared to exist, and this Act shall become effective upon passage and approval by the Governor.

The Committee on Judiciary-Statutes reported **HB 796,** with Committee Amendment attached thereto, **HB 760,** and **HB 774** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 796,** AN ACT relating to state contracts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context requires otherwise:

(1) "Contract" means any binding legal relationship or agreement between the commonwealth of Kentucky, or any spending agency thereof, and a contractor for supplies, materials, equipment, and services, including construction, or for the use of commonwealth property, in which the parties, do not stand in the relationship of employer and employe, and the term shall include but not be limited to, any such relationship or agreement that is subject to KRS Chapters 45, 58, and 177.

(2) "Contractor" means any prime contractor holding a contract with the commonwealth of Kentucky or any spending agency thereof, and shall include subcontractors when the context so indicates.

(3) "Contracting agency" means the person or persons, board, commission, court, council, governing body, employe or official which is authorized by law to purchase or contract for supplies, materials, services or equipment for the commonwealth or any of its spending agencies.

(4) "Minority contractor or subcontractor" means a business that is owned and controlled by one or more persons disadvantaged by racial or ethnic circumstances.

SECTION 2. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

All contracting agencies shall include nondiscrimination clauses in any directly or indirectly publicly-funded contract for supplies, materials, services or equipment requiring the contractor, for the duration of the contract:

(1) not to discriminate against any employe or applicant for employment because of race, color, religion, national origin, sex or age (40 to 65);

(2) to take such affirmative action as may be ordered by the contracting agency with regard to recruitment, hiring, placement, promotion, transfer, compensation, terms and conditions of employment, lay-off, or termination, so as to insure that applicants and employes are selected and treated without regard to their race, color, religion, national origin, sex, or age if said applicants and employes are 40 to 65 years of age;

(3) to state conspicuously in all solicitations and advertisements for employes placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, sex, or age if said applicants are 40 to 65 years of age;

(4) to post notices in conspicuous places, readily available to employes and applicants for employment, setting forth the nondiscrimination clauses required by this Act;

(5) to notify, immediately upon being awarded a contract subject to this Act, each labor union or other representative of workers with which he has a collective bargaining agreement or other similar contract or

understanding of the contractor's obligations under the nondiscrimination clauses and of his expectation that such labor union or workers' representative shall assist in fulfilling his obligations; and

(6) to agree that failure to comply with any of these clauses or any rule, regulation or order issued pursuant to this Act is an unlawful practice and shall constitute a material breach of the contract.

SECTION 3. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

A contractor subject to the provisions of this Act shall include the nondiscrimination clauses required by Section 2 of this Act in every subcontract so that the clauses are binding upon the subcontractor or vendor.

SECTION 4. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

A contractor or subcontractor otherwise subject to this Act is exempt as to any affirmative action and reporting requirements if:

(1) the contract or subcontract awarded is in the amount of $10,000 or less, and the amount of the contract or subcontract is not a subterfuge to avoid compliance with the provisions of this Act; or

(2) the contractor or subcontractor utilizes the services of fewer than eight (8) employes during the course of the contract; or

(3) the contractor or subcontractor employs only family members or relatives; or

(4) the contractor or subcontractor employs only persons having a direct ownership interest in the business, and such interest is not a subterfuge to avoid compliance with the provisions of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

(1) In the event of the contractor's or subcontractor's noncompliance with the nondiscrimination clauses of the contract or subcontract required in Section 2 of this Act, the contract or subcontract may be cancelled or terminated, or continuance of the contract may be conditioned by the contracting agency upon implementation of a program for future compliance to be ordered or approved by the contracting agency. The contracting agency may declare a noncomplying contractor or subcontractor ineligible for future contracts with that agency or subcontracts thereunder. Any order of debarment from future contracts or subcontracts with the agency by reason of noncompliance with the nondiscrimination clauses of a contract or subcontract subject to this Act may be rescinded by the contracting agency.

(2) Each contracting agency shall make reasonable efforts within a reasonable period of time to secure compliance by the contractor with the contract clauses required by this Act by methods of conference, conciliation, mediation, and persuasion before a contract or subcontract is cancelled or terminated or a program for future compliance ordered, by reason of noncompliance with any such clause.

(3) Any requirements of a contractor under this Act may be met in part by subcontracting to a minority contractor or subcontractor.

SECTION 6. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

(1) For the duration of the contract, each contractor shall hire minorities and women from other sources, if the union or other workers' representative with which he has a collective bargaining or similar agreement is unable or unwilling to supply sufficient minorities and women to satisfy the goals and timetables agreed upon with the contracting agency or ordered by the contracting agency after noncompliance with any nondiscrimination clause.

(2) Each contractor shall, for the duration of the contract, furnish such information or take such action as the contracting agency may require under this Act by rules and regulations promulgated pursuant to KRS Chapter 13 and orders issued thereunder. To avoid undue burdens on persons subject to this Act, records and reports required under this section shall conform, as nearly as may be practicable, to similar records and reports required by federal law and the laws of other states, and to customary record keeping practices. Each contractor shall permit access to all books and records pertaining to his employment practices at any place of business or worksite by any designated employe or agent of the contracting agency in order to ascertain compliance with this Act and any rules, regulations and orders issued pursuant thereto.

SECTION 7. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

The effective date of this Act shall be January 1, 1977, except as to contracts then in force.

The Committee Amendment to **HB 796** is as follows:

Amend printed copy of House Bill 796, on page 1, line 10, delete the comma after the word "parties";

and, on line 11, insert a comma "," after the word "include" and before the word "but";

and on page 2, line 16, after the word "age", add the following words: "*if said employee or applicant is*";

and on line 16, delete the parentheses in front of "40" and after "65";

and on line 16, after the number "65", add the following words: "*years of age*";

and on page 5, line 15, add a comma "," after the word "terminated" and before the word "or".

**HB 760,** AN ACT relating to the nonsupport of children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 530.050 is amended to read as follows:

(1) A person is guilty of nonsupport when he persistently fails to provide support which he can reasonably provide and which he knows he has a duty to provide to a minor or incompetent child, indigent spouse or indigent parent.

*(2) A person is guilty of flagrant nonsupport when he persistently fails to provide support which he can reasonably provide and which he knows he has a duty to provide by virtue of a court order to a minor or incompetent child, indigent spouse or indigent parent thereby leaving said dependent in destitute circumstances.*

*(3)* [(2)] A person has a duty to provide support for an indigent spouse and for a minor or incompetent child and, for purposes of this section, is presumed to know of that duty.

*(4)* [(3)] Any person who is eighteen years of age or over, residing in this state and having in this state a parent who is destitute of means of subsistence and unable because of old age, infirmity, or illness to support himself or herself, has a duty to provide support for such parent and, for purposes of this section, is presumed to know of that duty.

*(5)* [(4)] Nonsupport is a Class A misdemeanor.

*(6) Flagrant nonsupport is a Class D felony.*

**HB 774,** AN ACT relating to newspapers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 424 IS CREATED TO READ AS FOLLOWS:

(1) All editorials, news analyses, and opinion articles printed in any newspaper published within the commonwealth of Kentucky shall be signed by the person or persons who originated and composed such editorial, analysis or opinion article.

(2) Any newspaper which fails to print the name of the composer of an editorial, news analyses or opinion article as required in subsection (1) shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for consideration:

Appropriations and Revenue: **HJR 100, HB 838.**

Health and Welfare: **HB 757.**

Highways and Traffic Safety: **SB 298.**

The following Bills and Resolutions have been withdrawn from Committee consideration:

Health and Welfare: **HB 309, HB 391, HB 535, HB 577.**

## Announcements

Representative Siler requested that he be recorded as voting "nay" on **HB 559.**

The following members filed requests with the Clerk to have their names added as co-sponsors of Bills and Resolutions: Representative Hardwick, **HB 792, HB 581, HR 55, HB 702, HB 703, HB 715, HB 793, HB 778;** Representative Bendl, **HJR 75;** Representative Denham, **HJR 100;** Representative Stephens, **HB 175;** Representative Gray, **HR 101;** Representative B. Adams, **HB 838;** Representative Imes, **HB 187, HB 150, HB 732, HB 759, HB 761, HB 207, HB 173, HB 148,** and **HR 103.**

## Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., Wednesday, March 10, 1976. Agreed.

## WEDNESDAY, MARCH 10, 1976

## FIFTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Jonathan N. Robinson, Plymouth Congregational, Louisville, Kentucky.

The roll was called. All present except Representatives Bruce, Floyd, Kidd, and Maynard.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 9, 1976, be dispensed with and the same approved. Agreed.

### Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 261.**

Banking and Insurance: **SB 246, SB 283.**

Business Organizations and Professions: **SB 297, SB 307, SB 346, SB 362.**

Cities: **HB 840, HR 104.**

Counties and Special Districts: **HCR 105, HB 856, SB 288, SB 352.**

Education: **SB 306, SB 327.**

Judiciary-Statutes: **HB 857, HB 859, SB 149, SB 232, SB 266, SB 267,** SB 268, **SB 269, SB 340, SB 358, SB 364.**

Labor and Industry: **SB 200.**

Public Utilities and Transportation: **SB 212.**

State Government: **HB 860, HB 858, SB 56, SB 251, SB 355, SB 356, SR 38, SR 49.**

### Report of Committees

The Committee on Appropriations and Revenue reported **HB 68,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Appropriations and Revenue reported **HB 620, HB 629,** HB 656, **HB 793, HB 792, SB 1, SB 187, SB 203, SB 258, SB 277,** and **SB 279** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 620,** AN ACT relating to constables and deputy constables.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.200 is amended to read as follows:

(1) In counties containing a population of over 250,000, for the performance of the duties of his office, each constable shall be exclusively compensated by a salary of *eleven thousand one hundred dollars ($11,100)* [nine thousand six hundred ($9,600)] per annum to be paid in equal monthly installments out of the county treasury.

(2) Each constable and deputy constable shall daily deliver or cause to be delivered to the recorder for the justice's district in which he holds office all moneys received or collected by him by virtue of his office, or the recorder may receive such moneys for the officer, and in either event the recorder shall daily issue to each officer a receipt for moneys received from or for him. Each recorder shall keep such records of each daily transaction, in such manner and form, and showing such information, as the fiscal court of the county requires.

(3) All moneys received or collected on account of or resulting from the performance of the duties or the exercise of the powers incident to the offices of constable and deputy constable shall be paid into the county treasury.

(4) Before the tenth day of each calendar month the recorder for each justice's district shall prepare a sworn statement showing the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of constable and deputy constable. The statement shall be in the form and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one or more copies of the monthly statement to the fiscal court, or such person as the fiscal court designates, and at the same time deliver by certified check, payable to the order of the county treasurer, the total sum of money received by the recorder under the provisions of this section during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this section in a bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

**HB 629,** AN ACT relating to liquefied petroleum gas.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 234.321 is amended to read as follows:

(1) The tax imposed by KRS 234.320 shall not be collected [from July 1, 1972, until July 1, 1974,] when the liquefied petroleum gas sold by the dealer is used to propel motor vehicles on the public highways, either within or without this state, when the motor vehicles using the liquefied petroleum gas are equipped with carburetion systems approved by the Department for Natural Resources and Environmental Protection.

(2) The Department for Natural Resources and Environmental Protection shall establish emission standards for carburetion systems.

**HB 656,** AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods of a person used in his home; crops grown in the year in which the assessment is made, and in the hands of the producer; and real property maintained as the permanent residence of the owner, who is sixty-five years of age or older, up to the assessed valuation of sixty-five hundred dollars on said residence and contiguous real property, except for assessment for special benefits. The real property may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall apply only to the value of the real property assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property. *Property equipped with a solar heating or cooling system is exempt from ad valorem taxation in an amount that equals any positive amount obtained by subtracting the fair cash value of the property as if it had a conventional heating or cooling system from the fair cash value of the property with the solar system.* All laws exempting or omitting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Section 118.415 of the Kentucky Revised Statutes.

**HB 793,** AN ACT relating to sales tax exemptions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 139.472 is amended to read as follows:

(1) "Prescription medicine" shall mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use which is prescribed for the treatment of a human being by a person authorized to prescribe the medicines and dispensed on prescription by a registered pharmacist in accordance with law.

(2) "Prosthetic devices and physical aids" for the purpose of this section shall mean and include artificial devices individually designed, constructed or altered solely for the use of a particular crippled person so as to become a brace, support, supplement, correction or substitute for the bodily structure including the extremities of the individual; artificial limbs, artificial eyes, hearing aids individually designed, constructed or altered solely for the use of a particular disabled person; crutches and wheelchairs for the use of invalids and crippled persons.

*(3) "Diabetic supplies and insulin" shall mean and include any substances, preparations or any diabetic supplies intended for use in the cure, mitigation and treatment of diabetes.*

*(4)* [(3)] The terms "sale at retail," "retail sale," "use," "storage" and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of prescription medicine, prosthetic devices and physical aids *or diabetic supplies and insulin.*

**HB 792,** AN ACT relating to sales tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 139.100 is amended to read as follows:

(1) "Retail sale" or "sale at retail" means:

(a) 1. A sale for any purpose other than resale in the regular course of business of tangible personal property, or

2. The furnishing of the facilities and services mentioned in subsection (2) of this section;

(b) The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer pursuant to a retail sale made by a retailer not engaged in business in this state. The person making the delivery shall include the retail selling price of the property in his gross receipts.

(2) "Retail sale" or "sale at retail" shall include but shall not be limited to the following:

(a) The rental of any room or rooms, lodgings, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply, however, to rooms, lodgings, or accommodations supplied for a continuous period of ninety (90) days or more to an individual;

(b) The furnishing of sewer services and intrastate telephonic and telegraphic communications and services;

(c) The sale of admissions, except, those taxed under KRS 138.480.

*(3) "Retail sale" or "sale at retail" shall not include sale of admissions to events organized and sponsored by elementary and secondary institutions of education.*

**SB 1,** AN ACT relating to taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 132.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of revenue.

(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands within this state and improvements thereon.

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent ($.001) per one hundred dollars ($100) of assessed value and applied to the 1972 assessment of the property subject to taxation by a taxing district, excluding net assessment growth, as defined in KRS 132.425, produces an amount of revenue approximately equal to that produced in 1971.

(7) "Agricultural land" means any tract of land, *including all income producing improvements but excluding all residences,* of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government, where such activities produced an average *annual* gross income including payments under a state or federal program *according to the following scale:*

| *Acres* | *Annual Gross Income* | *+* | *Income Per Acre* |
|---|---|---|---|
| *10 to 30* | *$1,000+* | | *$60 per acre, or a fraction thereof, over 10 acres.* |
| *30 to 60* | *$2,200+* | | *$40 per acre, or a fraction thereof, over 30 acres.* |
| *60 to 100* | *$3,400+* | | *$25 per acre, or a fraction thereof, over 60 acres.* |
| *100 to 250* | *$4,400+* | | *$10 per acre, or a fraction thereof, over 100 acres.* |
| *Over 250* | *$5,900+* | | *$5 per acre, or a fraction thereof, over 250 acres.* |

*The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there must be an annual gross income of these amounts within two (2) years of purchase* [of at least $1,000 per year during the two (2) years immediately preceding the tax year or there is evidence of anticipated yearly gross income of this amount]. Land devoted exclusively to the growing of merchantable timber *or non-income producing woodland* is excluded from the gross income provisions.

(8) "Horticultural land" means any tract of land, *including all income producing improvements but excluding all residences,* of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits *or nuts,* vegetables, flowers or ornamental plants, where such activities produced an average *annual* gross income *according to the following scale:*

| *Acres* | *Annual Gross Income* | *+* | *Income Per Acre* |
|---|---|---|---|
| *5 to 30* | *$1,000 minimum, or* | | *$100 per acre, or a fraction thereof, over 5 acres, or whichever amount is greater.* |
| *30 to 60* | *$3,000+* | | *$50 per acre, or a fraction thereof over 30 acres.* |
| *60 to 100* | *$4,500+* | | *$25 per acre, or a fraction thereof, over 60 acres.* |
| *100 to 250* | *$5,500+* | | *$10 per acre, or a fraction thereof, over 100 acres.* |
| *Over 250* | *$7,000+* | | *$5 per acre, or a fraction thereof, over 250 acres.* |

*The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year* [of at least $1,000 per year during the two (2) years immediately preceding the tax year] or there is evidence of anticipated *annual* [yearly] gross income of *these* [this] amounts. *Land devoted exclusively to the growing of merchantable timber or non-income producing woodland is excluded from the gross income provisions.*

(9) "Agricultural or horticultural value" means *the use value of "agricultural or horticultural land" based upon income producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:* [representative sales prices of comparable land purchased for agricultural or horticultural use with consideration being given to the purpose of purchase, such as, farm expansion, improved accessibility and other like factors unduly influencing the sales price.]

*(a) Relative percentages of tillable land, pasture land, and woodland;*

*(b) Degree of productivity of the soil;*

*(c) Risk of flooding;*

*(d) Improvements to and on the land that relate to the production of income;*

*(e) Row crop capability including allotted crops;*

*(f) Accessibility to all-weather roads and markets; and*

*(g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income.*

(10) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(11) "Homestead" means a single family dwelling with all land and improvements adjoining and contiguous thereto including, but not limited to lawns, drives, flower or vegetable gardens, outbuildings and all other land connected to the single family dwelling.

(12) "Single unit residence" means a residence which is private—herein an individual or family lives. This does not include an apartment or duplex but does include a condominium unit owned and occupied on an individual basis.

(13) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

Section 2. KRS 132.450 is amended to read as follows:

(1) Each property valuation administrator shall assess at its fair cash value all property which it is his duty to assess except as provided in paragraph (g) of subsection (2) of this section. In the case of securities which are regularly bought and sold through stock exchanges, the price at which such property closed on the last regular business day preceding the assessment day shall be prima facie evidence of the fair cash value of such property. The property of one (1) person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The property valuation administrator shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.

(2) (a) On or before April 1 of *any* [each] year the owner or owners of land devoted exclusively to agricultural or horticultural use [for at least five (5) successive years preceding the tax year and] on which the property valuation administrator has placed a value in excess of the agricultural or horticultural value may file application for valuation at the agricultural or horticultural value with the property valuation administrator of the county in which the land is located, on forms prescribed by the department. *This application shall be valid until the property is transferred or the land use is changed; however, the owner may elect to have the subject property assessed as other than agricultural or horticultural land for any year or years by filing a statement to that effect with the property valuation administrator prior to the close of the five (5) day period beginning on the first Monday in June.* In determining the total area of such land, there shall be included the area of all land under farm buildings, greenhouses and like structures, lakes, ponds, streams, irrigation ditches and similar facilities, and garden plots devoted to growth of products for on-farm personal consumption but there shall be excluded, land used in connection with dwelling houses including, but not limited to, lawns, drives, flower gardens, swimming pools or other areas devoted to family recreation. Where contiguous land in agricultural or horticultural use in one (1) ownership is located in more than one county or taxing district, compliance with the minimum requirements shall be determined on the basis of the total area and income of such land and not the area or income of land which is located in the particular county or taxing district.

(b) Land devoted to agricultural or horticultural use, where the owner or owners have petitioned for, and been granted, a zoning classification other than for agricultural or horticultural purposes is excluded from the provisions of paragraph (g) of this subsection.

(c) Real property devoted to agricultural or horticultural use by any corporation other than one organized primarily for agricultural or horticultural purposes is excluded from the provisions of paragraph (g) of this subsection.

(d) When the use of a part of a tract of land which is valued and taxed as agricultural or horticultural land is changed either by conveyance or other action of the owner, the right of the remaining land to be retained in the agricultural or horticultural classification for assessment and taxation shall not be impaired provided it meets the minimum requirements for such classification, except that land on which there has been established a systematic pattern of change of use over a period of two (2) years is excluded from the provisions of paragraph (g) of this subsection.

(e) The owner or owners of land shall not be liable for deferred taxes for any year in which the land was not assessed for agricultural or horticultural use under the provisions of paragraph (g) of this subsection.

(f) Where a change in land use occurs in any tax year the owner of such land shall be subject to the deferred tax provisions of subsection (1) of KRS 132.454 for each of the preceding two (2) tax years in which the land was valued and taxed for agricultural or horticultural purposes.

(g) When in the opinion of the property valuation administrator any land on which an application has been filed, has a value in excess of that for agricultural or horticultural use the property valuation administrator shall enter into the tax records the value of the property according to its fair cash value. When the property valuation administrator determines that the land meets the requirements for valuation as agricultural or horticultural land, the valuation for tax purposes shall be its agricultural or horticultural value.

(h) When an application for valuation of property as agricultural or horticultural is denied, the property valuation administrator shall cause written notice to be served on the property owner in the manner provided by subsection (4) of this section. The property owner may appeal such ruling to the county board of supervisors as provided in KRS 133.120 or in the case of a city or special district to the appropriate appeals body for the city or district.

(3) Notwithstanding any statutory provisions to the contrary, the provisions of this section and KRS 132.454 shall apply to the assessment and taxation of agricultural or horticultural land for state, county, city or special district purposes. Any city may by ordinance establish additional tax procedures which will enable it effectively to administer the provisions of this section and KRS 132.454.

(4) If the property valuation administrator assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer or assesses unlisted property, the property valuation administrator shall serve notice on the taxpayer of such action. The notice shall be given by first-class mail or as provided in the Kentucky Rules of Civil Procedure.

(5) Any taxpayer may designate on the property schedule any property which he does not consider to be subject to taxation, and it shall be the duty of the property valuation administrator to obtain and follow advice from the department relative to the taxability of such property.

Section 3. KRS 157A.100 is amended to read as follows:

(1) On or before January 1 of each year the department of revenue shall determine the fair cash value of all property subject to assessment for school purposes, including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425, and shall determine the percentage the fair cash value in each district is of the total equalized value of all property in the commonwealth subject to taxation for school purposes and shall certify such information to the superintendent

of public instruction for use in determining the required local tax effort for each district for the fiscal year beginning on July 1, next after such certification. *The certification of the equalized value of agricultural and horticultural property shall be the same valuation as used for tax purposes under the provisions of KRS 132.450.*

(2) The superintendent of public instruction shall for the 1968-69 fiscal year use the aggregate required local tax effort and the required local tax effort for the respective school districts which were determined for use during the 1967-68 fiscal year. For each fiscal year subsequent to 1968-69, the aggregate required local tax effort for the commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total equalized value of all property in the commonwealth subject to school taxation for school purposes by the aggregate required local tax effort of the commonwealth.

(3) Any district's levy under KRS 160.470 shall be at such rate as is necessary to provide the required local tax effort.

Section 4. KRS 157.380 is amended to read as follows:

(1) On or before January 1 of each year the department of revenue shall determine the fair cash value of all property subject to assessment for school purposes, including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425, and shall determine the percentage the fair cash value in each district is of the total equalized value of all property in the commonwealth subject to taxation for school purposes and shall certify such information to the superintendent of public instruction for use in determining the required local tax effort for each district for the fiscal year beginning on July 1, next after such certification. *The certification of the equalized value of agricultural and horticultural property shall be the same valuation as used for tax purposes under the provisions of KRS 132.450.*

(2) The superintendent of public instruction shall for the 1968-69 fiscal year use the aggregate required local tax effort and the required local tax effort for the respective school districts which were determined for use during the 1967-68 fiscal year. For each fiscal year subsequent to 1968-69, the aggregate required local tax effort for the commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total equalized value of all property in the commonwealth subject to school taxation for school purposes by the aggregate required local tax effort of the commonwealth.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

Section 5. This Act shall not be construed to prevent the assessment of sub-surface mineral rights separately from surface rights.

Section 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SB 187,** AN ACT relating to the corporation license tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 136.070 is amended to read as follows:

(1) With respect to taxable years beginning after December 31, 1965, every corporation organized under the laws of this state, every corporation having its commercial domicile in this state, and every foreign corporation owning or leasing property located in this state or having one or more individuals receiving compensation in this state, except state and national banks and trust companies, savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, production credit associations, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, public service companies subject to taxation under KRS 136.120, and religious, educational, charitable and like corporations not organized or conducted for pecuniary profit, shall pay to the state an annual license tax of seventy cents on each one thousand dollars of the capital employed in the business as computed under the provisions of subsections (2), [and] (3) *and (4)* of this section.

(2) The corporation shall determine its total capital, both within and without Kentucky. The term "capital" as used in this section includes, but is not limited to, capital stock, surplus, monies borrowed for purposes other than current operating expenses and used in lieu of or in addition to invested capital and earned surplus, advances by affiliated companies, intercompany accounts, or any other items representing additional capital used and employed in the business. The term "capital stock" as used in this section, shall be deemed to have such value as is reflected on the books of the corporation whether having par value or not.

(3) The total capital, as determined under subsection (2) *and (4)* of this section, shall be apportioned as follows:

(a) The total capital shall be multiplied by a fraction, the numerator of which is the property factor plus the payroll factor, plus the sales factor, and the denominator of which is three (3).

(b) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period; provided, however, that property which has been certified as a pollution control facility as defined in KRS 224.850 shall be excluded from the property factor.

1. Property owned by the taxpayer is valued at its original cost. If the original cost of any property is not determinable or is nominal or zero such property shall be valued by the department under regulations promulgated by the department. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals, provided that such rental and such subrentals are reasonable. If the department determines that the annual rental or subrental rate is unreasonable, or if nominal or zero rate is charged, the department may determine and apply such rental rate as will reasonably reflect the value of the property rented by the taxpayer.

2. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the department may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(c) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid or payable everywhere during the tax period. Compensation is paid or payable in this state if:

1. The individual's service is performed entirely within the state; or

2. The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

3. Some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(d) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. Sales of tangible personal property are in this state if:

1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

2. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government.

3. Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

*(4) In the case of the parent or subsidiary member of a "parent-subsidiary controlled group" as defined by IRC Section 1563(a)(1), the parent and subsidiary corporations shall be considered as one corporation, for purposes of determining and apportioning total capital.*

*(5)* [(4)] If the apportionment provisions of this section do not fairly measure the taxpayer's capital in this state, the taxpayer may petition for or the department may require:

(a) The exclusion of any one or more of the factors;

(b) The inclusion of one or more additional factors which will fairly measure the taxpayer's capital in this state; or

(c) The employment of any other method to produce an equitable apportionment of the taxpayer's capital.

*(6)* [(5)] No corporation required to pay an annual license tax under this section shall pay less than ten dollars.

**SB 203,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

## PART I

Section 1. KRS 141.020 is amended to read as follows:

(1) An annual tax shall be paid for each taxable year by every resident individual of this state upon his entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3).

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at the annual tax;

(a) Twenty dollars for an unmarried individual;

(b) Twenty dollars for a married individual filing a separate return and an additional twenty dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or forty dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in section 153 of the Internal Revenue Code;

(c) Twenty dollars credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his spouse;

(d) An additional *forty* [twenty] dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year;

(e) An additional *forty* [twenty] dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(f) An additional *forty* [twenty] dollars credit if the taxpayer is blind at the close of the taxable year;

(g) An additional *forty* [twenty] dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.010 (10), without the adjustments contained in (a) and (b) of that subsection, to his adjusted gross income as defined in section 62 of the Internal Revenue Code. However, in the case of a married nonresident taxpayer with income from Kentucky sources, whose spouse has no income from Kentucky sources, the taxpayer shall determine allowable tax credit(s) by either:

1. the method contained above applied to his tax credit(s), excluding credits for a spouse and dependents, or

2. prorating his tax credit(s) plus the tax credits for his spouse and dependents by the ratio of his Kentucky adjusted gross income as determined by KRS 141.010 (10), without the adjustments contained in (a) and (b) of that subsection, to the total joint federal adjusted gross income of the taxpayer and his spouse;

(i) In the case of an individual who becomes a resident of Kentucky during the taxable year, the tax credits allowable under this subsection shall be that portion of those permitted therein that is represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by subsection (10) of KRS 141.010, without the adjustments contained in paragraphs (a) and (b) of that subsection, to his adjusted gross income as defined in section 62 of the Internal Revenue Code;

(j) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars;

(k) In the case of an estate, the allowable tax credit shall be twenty dollars;

(l) An additional twenty dollars credit if the taxpayer is a member of the Kentucky national guard at the close of the taxable year.

(4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property which has acquired a business situs in this state; provided, however, that the situs of intangible personal property shall be at the residence of the real or beneficial owner and not at the residence of a trustee having custody or possession thereof. The remainder of the income received by such nonresident shall be deemed nontaxable by this state.

(5) Subject to the provisions of KRS 141.081 [and KRS 141.082], any individual may elect to pay the annual tax imposed by *Section 2 of this Part* [KRS 141.025] in lieu of the tax levied under this section.

(6) An individual who becomes a resident of Kentucky during the taxable year is subject to taxation as prescribed in subsection (4) of this section prior to establishing such residence and as prescribed in subsection (1) of this section following the establishment of such residence.

(7) An individual who becomes a nonresident of Kentucky during the taxable year is subject to taxation, as prescribed in subsection (1) of this section, during that portion of the taxable year that he is a resident and, as prescribed in subsection (4) of this section, during that portion of the taxable year when he is a nonresident.

SECTION 2. A NEW SECTION OF KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

Any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed eight thousand dollars ($8,000) may elect to compute his annual tax under this section. This annual tax shall be determined by deducting the tax credits authorized by KRS 141.020(3) from the amount indicated by the following table which gives effect to a standard deduction of six hundred and fifty dollars ($650).

**OPTIONAL TABLE**

| If Adjusted Gross Income Is Over | But Not Over | Amount Shall Be |
|---|---|---|
| $ 650 | $ 700 | $ .50 |
| 700 | 750 | 1.50 |
| 750 | 800 | 2.50 |
| 800 | 850 | 3.50 |
| 850 | 900 | 4.50 |
| 900 | 950 | 5.50 |
| 950 | 1,000 | 6.50 |
| 1,000 | 1,050 | 7.50 |
| 1,050 | 1,100 | 8.50 |
| 1,100 | 1,150 | 9.50 |
| 1,150 | 1,200 | 10.50 |
| 1,200 | 1,250 | 11.50 |
| 1,250 | 1,300 | 12.50 |
| 1,300 | 1,350 | 13.50 |
| 1,350 | 1,400 | 14.50 |
| 1,400 | 1,450 | 15.50 |
| 1,450 | 1,500 | 16.50 |
| 1,500 | 1,550 | 17.50 |
| 1,550 | 1,600 | 18.50 |
| 1,600 | 1,650 | 19.50 |
| 1,650 | 1,700 | 20.50 |
| 1,700 | 1,750 | 21.50 |
| 1,750 | 1,800 | 22.50 |
| 1,800 | 1,850 | 23.50 |
| 1,850 | 1,900 | 24.50 |
| 1,900 | 1,950 | 25.50 |
| 1,950 | 2,000 | 26.50 |
| 2,000 | 2,050 | 27.50 |
| 2,050 | 2,100 | 28.50 |
| 2,100 | 2,150 | 29.50 |
| 2,150 | 2,200 | 30.50 |
| 2,200 | 2,250 | 31.50 |
| 2,250 | 2,300 | 32.50 |

| | | |
|---|---|---|
| 2,300 | 2,350 | 33.50 |
| 2,350 | 2,400 | 34.50 |
| 2,400 | 2,450 | 35.50 |
| 2,450 | 2,500 | 36.50 |
| 2,500 | 2,550 | 37.50 |
| 2,550 | 2,600 | 38.50 |
| 2,600 | 2,650 | 39.50 |
| 2,650 | 2,700 | 40.50 |
| 2,700 | 2,750 | 41.50 |
| 2,750 | 2,800 | 42.50 |
| 2,800 | 2,850 | 43.50 |
| 2,850 | 2,900 | 44.50 |
| 2,900 | 2,950 | 45.50 |
| 2,950 | 3,000 | 46.50 |
| 3,000 | 3,050 | 47.50 |
| 3,050 | 3,100 | 48.50 |
| 3,100 | 3,150 | 49.50 |
| 3,150 | 3,200 | 50.50 |
| 3,200 | 3,250 | 51.50 |
| 3,250 | 3,300 | 52.50 |
| 3,300 | 3,350 | 53.50 |
| 3,350 | 3,400 | 54.50 |
| 3,400 | 3,450 | 55.50 |
| 3,450 | 3,500 | 56.50 |
| 3,500 | 3,550 | 57.50 |
| 3,550 | 3,600 | 58.50 |
| 3,600 | 3,650 | 59.50 |
| 3,650 | 3,700 | 60.75 |
| 3,700 | 3,750 | 62.25 |
| 3,750 | 3,800 | 63.75 |
| 3,800 | 3,850 | 65.25 |
| 3,850 | 3,900 | 66.75 |
| 3,900 | 3,950 | 68.25 |
| 3,950 | 4,000 | 69.75 |
| 4,000 | 4,050 | 71.25 |
| 4,050 | 4,100 | 72.75 |
| 4,100 | 4,150 | 74.25 |
| 4,150 | 4,200 | 75.75 |
| 4,200 | 4,250 | 77.25 |
| 4,250 | 4,300 | 78.75 |
| 4,300 | 4,350 | 80.25 |
| 4,350 | 4,400 | 81.75 |
| 4,400 | 4,450 | 83.25 |
| 4,450 | 4,500 | 84.75 |
| 4,500 | 4,550 | 86.25 |
| 4,550 | 4,600 | 87.75 |
| 4,600 | 4,650 | 89.25 |
| 4,650 | 4,700 | 91.00 |
| 4,700 | 4,750 | 93.00 |
| 4,750 | 4,800 | 95.00 |
| 4,800 | 4,850 | 97.00 |
| 4,850 | 4,900 | 99.00 |
| 4,900 | 4,950 | 101.00 |
| 4,950 | 5,000 | 103.00 |
| 5,000 | 5,050 | 105.00 |
| 5,050 | 5,100 | 107.00 |
| 5,100 | 5,150 | 109.00 |
| 5,150 | 5,200 | 111.00 |
| 5,200 | 5,250 | 113.00 |
| 5,250 | 5,300 | 115.00 |
| 5,300 | 5,350 | 117.00 |
| 5,350 | 5,400 | 119.00 |

| | | |
|---|---|---|
| 5,400 | 5,450 | 121.00 |
| 5,450 | 5,500 | 123.00 |
| 5,500 | 5,550 | 125.00 |
| 5,550 | 5,600 | 127.00 |
| 5,600 | 5,650 | 129.00 |
| 5,650 | 5,700 | 131.25 |
| 5,700 | 5,750 | 133.75 |
| 5,750 | 5,800 | 136.25 |
| 5,800 | 5,850 | 138.75 |
| 5,850 | 5,900 | 141.25 |
| 5,900 | 5,950 | 143.75 |
| 5,950 | 6,000 | 146.25 |
| 6,000 | 6,050 | 148.75 |
| 6,050 | 6,100 | 151.25 |
| 6,100 | 6,150 | 153.75 |
| 6,150 | 6,200 | 156.25 |
| 6,200 | 6,250 | 158.75 |
| 6,250 | 6,300 | 161.25 |
| 6,300 | 6,350 | 163.75 |
| 6,350 | 6,400 | 166.25 |
| 6,400 | 6,450 | 168.75 |
| 6,450 | 6,500 | 171.25 |
| 6,500 | 6,550 | 173.75 |
| 6,550 | 6,600 | 176.25 |
| 6,600 | 6,650 | 178.75 |
| 6,650 | 6,700 | 181.25 |
| 6,700 | 6,750 | 183.75 |
| 6,750 | 6,800 | 186.25 |
| 6,800 | 6,850 | 188.75 |
| 6,850 | 6,900 | 191.25 |
| 6,900 | 6,950 | 193.75 |
| 6,950 | 7,000 | 196.25 |
| 7,000 | 7,050 | 198.75 |
| 7,050 | 7,100 | 201.25 |
| 7,100 | 7,150 | 203.75 |
| 7,150 | 7,200 | 206.25 |
| 7,200 | 7,250 | 208.75 |
| 7,250 | 7,300 | 211.25 |
| 7,300 | 7,350 | 213.75 |
| 7,350 | 7,400 | 216.25 |
| 7,400 | 7,450 | 218.75 |
| 7,450 | 7,500 | 221.25 |
| 7,500 | 7,550 | 223.75 |
| 7,550 | 7,600 | 226.25 |
| 7,600 | 7,650 | 228.75 |
| 7,650 | 7,700 | 231.25 |
| 7,700 | 7,750 | 233.75 |
| 7,750 | 7,800 | 236.25 |
| 7,800 | 7,850 | 238.75 |
| 7,850 | 7,900 | 241.25 |
| 7,900 | 7,950 | 243.75 |
| 7,950 | 8,000 | 246.25 |

Section 3. KRS 141.081 is amended to read as follows:

(1) An individual, at his election, may deduct from his adjusted gross income a standard deduction of *six hundred and fifty dollars ($650).* [as follows:

(a) If his adjusted gross income is eight thousand dollars ($8,000) or more, the standard deduction shall be five hundred dollars ($500);

(b) If his adjusted gross income is less than eight thousand dollars ($8,000), the standard deduction shall be the amount as allowed by the application of the optional table contained in KRS 141.025.]

(2) The standard deduction provided for in this section shall be in lieu of all deductions and shall not be allowed in the case of a taxable year of less than twelve (12) months on account of a change in the accounting period or in the case of a fiduciary.

*(3) In the case of a husband and wife living together, the standard deduction provided for in this section shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. The determination of marital status shall be made in the manner prescribed in Section 153 of the Internal Revenue Code.*

Section 4. KRS 141.180 is amended to read as follows:

(1) Every individual, except as otherwise provided in this section, having for the taxable year *an adjusted gross* [a net] income *which exceeds sixteen hundred and fifty dollars ($1,650)* [of one thousand dollars ($1,000) or over or a gross income of twelve hundred dollars ($1,200) or over], if single, or if married and not living with husband or wife and every married individual living with husband or wife whose *adjusted gross* [net] income combined with the *adjusted gross* [net] income of his or her spouse exceeds *twenty-six hundred and fifty dollars ($2,650)* [two thousand dollars ($2,000), or whose gross income combined with the gross income of his or her spouse exceeds twenty-five hundred dollars ($2,500),] shall make to the department a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter.

*(2)* Any individual who is blind or who has attained the age of sixty-five (65) before the close of his taxable year [or who qualified as a head of household] shall be required to make a return only if he has for the taxable year *an adjusted gross* [a net] income which exceeds *thirty-six hundred and fifty dollars ($3,650)* [two thousand dollars ($2,000) or a gross income which exceeds twenty-five hundred dollars ($2,500)]. *Every married individual living with husband or wife shall, if both spouses have attained the age of sixty-five (65), be required to make a return if the combined adjusted gross income of both spouses exceeds five thousand four hundred dollars ($5,400).* If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

*(3) Any individual, who is both sixty-five (65) or over and blind before the close of the taxable year, shall make a return if he has for the taxable year an adjusted gross income which exceeds four thousand nine hundred dollars ($4,900).*

*(4) Notwithstanding any other provision of this section, an individual, having for the taxable year gross income from self-employment of sixteen hundred and fifty dollars ($1,650) or more, shall make a return.*

*(5) Any nonresident individual with gross income from Kentucky sources and a total gross income of sixteen hundred and fifty dollars ($1,650) or over shall make a return.*

*(6)* [(2)] A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

*(7)* [(3)] An optional return properly filed under the provisions of *Section 2 of this Part* [KRS 141.025] shall be deemed sufficient to satisfy the provisions of this section.

*(8)* [(4)] Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 5. KRS 141.190 is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department:

(a) Every individual having *an adjusted* [a] gross income for the taxable year *which exceeds sixteen hundred and fifty dollars ($1,650)* [of twelve hundred dollars ($1,200) or over];

(b) Every estate the gross income of which for the taxable year is twelve hundred dollars ($1,200) or over;

(c) Every trust the gross income of which for the taxable year is one hundred dollars ($100) or over.

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 6. KRS 141.300 is amended to read as follows:

(1) Every individual shall, at the time prescribed in subsection (3), make a declaration of his estimated tax for the taxable year if his gross income from sources other than wages upon which Kentucky income tax will be withheld can reasonably be expected to exceed *two thousand dollars ($2,000)* [one thousand dollars ($1,000)] for the taxable year and his gross income *or adjusted gross income* can reasonably be expected to be an amount not less than the amount for which a return is required under KRS 141.180.

(2) In the declaration required under subsection (1) the individual shall state:

(a) The amount which he estimates as the amount of tax under KRS 141.020 for the taxable year;

(b) The amount which he estimates as the credits for the taxable year under KRS 141.310 and KRS 141.315;

(c) The excess of the amount estimated under paragraph (a) over the amount estimated under paragraph (b), which excess for purposes of this chapter shall be considered the estimated tax for the taxable year;

(d) Such other information as may be prescribed in regulations promulgated by the department.

*(e) Notwithstanding the above provisions, no declaration is required if the estimated tax can reasonably be expected to be less than $40.*

(3) The declaration required under subsection (1) shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) are first met:

(a) After April 1 and before July 2 of the taxable year, the declaration shall be filed on or before July 15 of the taxable year; or

(b) After July 1 and before November 2 of the taxable year, the declaration shall be filed on or before November 15 of the taxable year; or

(c) After November 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3), under regulations prescribed by the department.

(5) If on or before February 15 of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

(a) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such February 15, such return shall, for the purposes of this section, be considered as such declaration; and

(b) If the tax shown on the return, reduced by the credits under KRS 141.350, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (4) to be filed on or before such February 15.

(6) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six (6) months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) For the purposes of KRS 131.190, a declaration of estimated tax shall be held and considered a return of income under this chapter.

Section 7. KRS 141.025 and 141.082 are hereby repealed.

Section 8. The provisions of Part I of this Act shall apply to taxable years beginning after December 31, 1975.

## PART II

Section 1. KRS 140.080 is amended to read as follows:

(1) There shall be free from any tax under the preceding provisions of this chapter the following inheritable interests:

*(a) Surviving spouse, $20,000;*

*(b)* [(a)] *Infant* [Wife, infant] child by blood or adoption, or a child by blood or a child adopted during infancy who has been declared incompetent by a court of competent jurisdiction, $10,000;

*(c)* [(b)] All other persons of Class A, under KRS 140.070, $5,000;

*(d)* [(c)] All persons of Class B, under KRS 140.070, $1,000; and

*(e)* [(d)] All persons of Class C, under KRS 140.070, $500.

(2) If the decedent was not a resident of this state, the exemption shall be the same proportion of the allowable exemption in the case of residents that the property taxable by this state bears to the whole property transferred by the decedent.

(3) The exemptions provided in this section shall be subtracted from the value of the respective distributive shares before the rates, provided in KRS 140.070, are applied thereto to determine the amount of tax due thereon.

## PART III

Section 1. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the constitution or laws of the United States, or under the constitution of this state;

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier; [.]

(6) Gross receipts from sales of tangible personal property made in one cent (1¢) portions through vending machines; [.]

*(7) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities or special districts as defined in KRS 65.005. This exemption applies only to purchases of property or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit is not entitled to the exemption even though such purchaser may be the recipient of public funds or grants.*

*(8) Gross receipts from sales of coal to a Kentucky resident for home consumption.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) The taxes imposed by this chapter shall apply to resident, nonprofit educational, charitable, and religious institutions as follows:

(a) Tax does not apply to sales of tangible personal property or services to such institutions provided the property or service is to be used solely within the educational, charitable, or religious function.

(b) Sales made by such institutions are taxable and the tax may be passed on to the customer as provided in KRS 139.210. However, where cafeterias or lunchrooms operated by educational institutions are not open to the public, tax does not apply to sales of food to students.

SECTION 3. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provisions of this chapter, the taxes imposed herein do not apply to the first $500 of sales made in any calendar year by individuals or nonprofit organizations not engaged in the business of selling. This exemption is limited to the following types of transactions or activities:

(a) Garage or yard sales of household items by an individual or family which are no way associated with or related to the operation of a business;

(b) Fund raising event held by nonprofit civic, governmental, or other nonprofit organizations;

(2) The exemption does not apply to activies in which all or substantially all the houshold goods of a person are offered for sale or where nonprofit organizations conduct regular selling activities in competition with private business.

Section 4. Sections 1 and 3 of Part III of this Act shall become effective July 1, 1976.

Section 5. Whereas increasing costs due to inflation have placed many institutions in a difficult financial position, an emergency is declared to exist, and Section 2 of Part III of this Act shall become effective upon this Act's passage and approval by the Governor.

**SB 258,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 136.120 is amended to read as follows:

(1) Every railway company, sleeping car company, chair car company, dining car company, gas company, water company, ferry company, bridge company, street railway company, interurban electric railroad company, express company, electric light company, electric power company, telephone company, telegraph company, bus line company, regular route common carrier trucking company, air transport company, pipeline company, common carrier water transportation company, and every other like company or business performing any public service shall annually pay a tax on its operating property to the state and to the extent such property is liable to taxation shall pay a local tax thereon to the county, incorporated city, and taxing district in which its operating property is located.

(2) The property of such taxpayers shall be classified as operating property, nonoperating tangible property, and nonoperating intangible property. Nonoperating intangible property within the taxing jurisdiction of the commonwealth shall be taxable for state purposes only at the same rate as the intangible property of other taxpayers not performing public services, and operating property and nonoperating tangible property shall be subject to state and local taxes at the same rate as the tangible property of other taxpayers not performing public services.

(3) The department of revenue shall have sole power to value and assess all of the property of every corporation, company, association, partnership, or person performing any public service, including those enumerated above and all others to whom this section may apply, whether or not such operating property, nonoperating tangible property, or nonoperating intangible property has heretofore been assessed by said department, and shall, except as provided in subsection (4) of this section, allocate such assessment as provided by KRS 136.170, and shall certify operating property liable to local taxation and nonoperating tangible property to the counties, cities, and taxing districts as provided in KRS 136.180. All of the property assessed by the department pursuant to this section shall be assessed as of December 31 each year for the following year's taxes, and the lien therefor shall attach as of such assessment date. Provided, however, That in the case of a taxpayer whose business is predominantly nonpublic service and the public service business in which he is engaged is merely incidental to his principal business, the department shall in the exercise of its judgment and discretion determine, from evidence which it may have or obtain, what portion of the operating property is devoted to the public service business subject to assessment by the department under this section and shall require the remainder of the property not so engaged to be assessed by the local taxing authorities.

(4) (a) The department of revenue shall likewise have sole power to value and assess all the property within the taxing jurisdiction of this commonwealth of every refrigerator car company, tank car company, coal car company, every like car company, and every irregular route common carrier truck company. *Any other statute to the contrary notwithstanding, the Department of Revenue shall, in determining the proportion of the value of the rolling stock of every irregular route common carrier truck company, apportion the value of such property within the taxing jurisdiction of Kentucky according to the truck mileage performed in Kentucky by such irregular route common carrier* [and may, in determining the proportion of the value of such property within the taxing jurisdiction of Kentucky, take into consideration the car or truck mileage made by the cars or trucks of such companies]. The department shall not certify the assessment of the rolling stock of such companies to any county, city, or taxing district, but shall apportion and certify the operating property, other than rolling stock, to the counties, cities, and taxing districts where such property is located. The rolling stock of such companies shall be taxable for state purposes only at the rate of one dollar ($1.00) upon each one hundred dollars ($100) of value, and shall not be subject to taxation by a county, city, or other taxing district.

(b) The property of taxpayers within the meaning of paragraph (a) of this subsection shall likewise be classified as operating property, nonoperating tangible property, and nonoperating intangible property. The nonoperating intangible property of the companies within the meaning of this subsection which are within the taxing jurisdiction of the commonwealth shall be taxable for state purposes at the same rate as the intangible property of nonpublic service taxpayers.

**SB 277,** AN ACT relating to school taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 132.280 is amended to read as follows:

The assessment made for state purposes, when supervised as required by law, shall be the basis for the levy of the ad valorem tax for county, *school district and all special taxing district* purposes; *except that any special taxing district established within an incorporated city under existing statutory shall continue to use the assessment made for city purposes.*

Section 2. KRS 160.460 is amended to read as follows:

(1) All school taxes shall be levied by the fiscal court of each county. [except in independent school districts embraced by cities of the first four (4) classes. In such districts the tax shall be levied by the governing body of the city.] The tax-levying authority shall levy such ad valorem tax [and such poll tax] as specified by the district board of education within the limits prescribed in KRS *160.470* [160.475], which will obtain for the school district the amount of money needed as shown in such district's general school budget submitted under the provisions of KRS 160.470.

(2) The tax-levying authority shall make an annual school levy not later than July 1. The school levy shall not be made until the general school budget has been received by the tax-levying authority. The failure of the authority to make the levy by the date prescribed shall not invalidate any levy made thereafter.

(3) All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax-levying authority. [If the school levy is to be made upon the city assessment as authorized in subsection (1), the clerk of such city shall furnish to the school district or districts which the city embraces, the assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor. If the school levy is to be made upon the county assessment the] *The* county clerk shall furnish to the proper school district or districts the assessed valuation of property subject to local taxation in such district or districts, as certified by the *department of revenue* [Kentucky tax board of tax appeals].

**SB 279,** AN ACT relating to Education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the *maximum rate that could have been levied in the* preceding year ['s rate] to the preceding year's assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in subsection (3) of KRS *157A.100* [157.380 and as provided in subsection (4) of this section]. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) The superintendent of public instruction shall certify to each district board of education, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the *maximum tax rate that could have been levied in the* preceding year ['s rate] to the preceding year's assessment.

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the *maximum tax rate that could have been levied the* preceding year ['s effective tax rate] to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

[(c) The superintendent of public instruction shall compile a list of those school districts in which the general fund ad valorem tax for the 1965-1966 school year was levied at a rate less than the $1.50 maximum then authorized by KRS 160.475. The superintendent of public instruction shall then calculate for each such district the revenue that would have been produced for the 1965-1966 school year if such tax had been levied at the $1.50 rate. He shall then re-calculate the maximum permissible local ad valorem tax revenue that would have been authorized for each such district for the 1966-1967, 1967-1968, 1968-1969 and 1969-1970 school years as though the 1965-1966 tax had been levied at the $1.50 rate, including in such re-calculation the revenue that would have been derived from taxation of net assessment growth under paragraph (b) of this subsection and the revenue that would have been derived from any percentage increases actually adopted by the district under subsection (4) of this section. The maximum permissible local ad valorem tax revenue so re-calculated for the 1969-1970 school year shall, for such districts, be deemed the total amount of ad valorem tax revenue to be determined by the superintendent for the 1970-1971 school year under paragraph (a) of this subsection.]

*(c)* [(d)] The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section, except as otherwise therein prescribed.

[(e) Any school district which is not contemplating capital construction and which is eligible for the increase allowed in paragraph (c) of this subsection may elect to take advantage of the increase in equal stages over a period of three years.]

[(4) Notwithstanding the limitations contained in subsection (2) of this section, any district board of education which in preparing its proposed budget deems that it will require an amount of revenue greater than that permitted in subsection (2) of this section may submit to the levying authority for the school years 1966-1967 and 1967-1968 a budget which could require an increase in such revenue of not more than 10 per cent after compliance with the following:

(a) The district board of education shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding 10 per cent is being proposed. Said advertisement shall state that the district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

(b) The district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.]

*(4)* [(5)] Three (3) copies of the budget shall be filed with the clerk of the tax-levying authority of the district within three (3) days after the district board of education has received its assessment data. The clerk shall present the budget to the proper tax-levying authority when the authority convenes to fix its school levy. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

*(5)* [(6)] Within three (3) days after the tax-levying authority has fixed the tax rate, the district board of education shall forward two (2) copies of the budget to the state board of education for its approval or disapproval. The budget shall be disapproved if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval.

*(6)* [(7)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective until approved by the state board of education.

*(7)* [(8)] Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

Section 2. The provisions of this Act shall become effective July 1, 1976.

The Committee on Business Organizations and Professions reported **HB 584, HB 737** with Committee Substitute attached thereto, and **SB 27** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 584,** AN ACT relating to social workers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 335.020 is amended to read as follows:

As used in KRS 335.010 to 335.160 and 335.990, unless the context otherwise requires:

(1) "Board" means the State Board of Examiners of Social Work of Kentucky.

(2) "The practice of social work" means the professional activity of helping for remuneration individuals, groups, or communities enhance or restore their capacity for social functioning and create societal conditions favorable to this goal. It includes the professional application of social work values, principles, and techniques to one or more of the following ends: counseling and non-medical psychotherapy with individuals, families and groups; helping people obtain tangible services; assisting communities or groups provide or improve social and health services; and engaging in social work education, *training,* research, planning and the appropriate administration of social work or social welfare services.

Section 2. KRS 335.070 is amended to read as follows:

(1) The board shall administer and enforce the provisions of KRS 335.010 to 335.160 and 335.990, and *shall* [may] adopt rules and regulations consistent with its provisions, including a code of ethical practice for Certified Social Workers and Social Workers.

(2) The board shall review and act upon applications for licensure at least twice each year, and shall regulate the renewal of licenses.

(3) The board *shall* [may] conduct hearings on charges calling for the denial, revocation or suspension of a license, shall adopt rules for the conduct of the hearings, and shall cause the prosecution of all persons who violate any provisions of KRS 335.010 to 335.160 and 335.990, or any rule or regulation promulgated pursuant to its provisions.

(4) The board may sue and be sued in its own name.

(5) The board may employ any other persons it deems necessary to carry on the work of the board, and shall define their duties and fix their compensation.

(6) The board shall maintain a register of Certified Social Workers, Social Workers, and licensees certified for private practice. The register shall be a public record.

(7) The board shall keep a complete record of all of its proceedings.

Section 3. KRS 335.100 is amended to read as follows:

(1) After one year from June 21, 1974, no person shall engage in the independent practice of social work unless he meets the following requirements:

(a) Is licensed under KRS 335.010 to 335.160 and 335.990 as a Certified Social Worker;

(b) Has had a minimum of two (2) years of full time postmaster's experience, consisting of at least thirty (30) hours per week, or three (3) years of part time, consisting of at least twenty (20) hours per week, postmaster's degree experience acceptable to the board in the use of speciality methods and measures to be employed in independent practice, the experience having been acquired under appropriate supervision.

(c) Has paid to the board an examination fee fixed by the board, the fee not to exceed twenty-five dollars ($25);

(d) Has passed an examination prepared by the board for this purpose;

(e) Has not within the preceding six months failed to pass an examination given by the board.

(2) The board shall issue a certificate of qualification for independent practice stating area or areas of speciality certification. This certificate shall be displayed with the license in the licensee's principal place of practice.

(3) Areas of speciality certification shall include *"education and training"*, "Clinical Social Work" and others as defined by the board. Any use of the titles of speciality certification are restricted to persons so qualified under KRS 335.100.

Section 4. KRS 335.150 is amended to read as follows:

(1) The board *shall* [may] hear grievances of persons whose applications for a license have been denied.

(2) The board may deny, revoke, or suspend any license upon proof that the person has willfully or repeatedly violated any of the provisions of KRS 335.010 to 335.160 and 335.990 or any rule or regulation promulgated by the board.

(3) The board shall not suspend, revoke or refuse to renew a license except after a hearing held before the board upon notice to the person charged.

(4) The notice shall be in writing, shall state the nature of the charges, the time and place of the hearing, and shall be served on the person charged by registered mail not less than thirty (30) days prior to the date of the hearing.

(5) The person charged may appear in person or by counsel, may testify and may produce evidence and witnesses on his own behalf, may cross examine witnesses, and shall be entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

(6) The board, or its duly authorized representative on its behalf, shall have authority to issue subpoenas to compel the attendance of witnesses and the production of documents and may administer oath. The board may invoke the aid of the circuit court for the county in which the hearing is held to enforce compliance with its subpoenas.

(7) A stenographic or mechanical record of the hearing shall be taken, and a transcript shall be preserved by the board.

(8) At all hearings before the board the attorney general of the commonwealth, or one of his assistants designated by him shall appear and represent the board.

(9) The decision of the board shall be by majority vote thereof.

(10) A copy of the board's order shall be sent by registered mail to the person *denied or* charged at his last known address.

(11) The board *shall* [may] grant a rehearing when new and material evidence is offered for its consideration.

(12) Any person aggrieved by a final order of the board may within thirty (30) days of the entry of the order, appeal to the circuit court for the county in which he resides. The appeal shall be determined by the court upon the certified record and no new or additional evidence shall be heard or considered by the court. An appeal may be taken from the judgment of the circuit court on any such appeal to the Court of Appeals in accordance with the Rules of Civil Procedure.

**HB 737,** AN ACT relating to purchasing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
This Act may be cited as the Kentucky Small Business Purchasing Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) "Agency" means any office, department, bureau or other institution of Kentucky state government which awards contracts for purchases of property, goods, or services.

(2) "Department" means the executive department for finance and administration.

(3) "Small business set-aside" means a purchase or contract request for which bids are to be invited and accepted only from small businesses by the department.

(4) "Small business" means a business which is independently owned and operated, and which is not dominant in its field of operation, and which is small under the size standards set out in Section 3 of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
The department shall adopt the small business size standards promulgated for government procurement by the federal small business administration to determine which enterprises may compete under this Act, except that the applicable size standard for a particular class of business shall be derived by taking forty percent (40%) of the federal standard prescribed for such class.

SECTION 4. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The department shall designate as small business set-asides at least ten percent (10%) of anticipated state contracts of goods, equipment, construction, or services for which purchase has been requested by or for any agency whenever there is a reasonable expectation that bids will be obtained from at least three (3) small businesses capable of furnishing the desired property or service at a fair and reasonable price. Such designation shall be made prior to the advertisement for bids as provided by law, and the advertisement shall indicate the items designated as small business set-asides.

(2) When an item has been designated as a small business set-aside, invitations to bid shall be confined to small businesses and bids from other businesses shall be rejected.

(3) The department shall award contracts to the lowest and best responsible bidder meeting specifications.

SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
If less than three (3) small businesses which are considered capable of meeting the specifications and terms of the invitation respond to the invitation to bid, or if the department determines that the lowest and best bid results in an unreasonable price, the agency shall reject all bids and withdraw the designation of small business set-aside. Notification of the reasons for rejection shall be given the bidders. The department may then seek additional bids without reference to the small business designation.

The Committee Substitute for **HB 737** is as follows:

**HB 737,** AN ACT relating to purchasing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
This Act may be cited as a Kentucky Small Business Purchasing Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
(1) "Agency" means any office, department, bureau or other institution in Kentucky State Government which awards contracts for purchase of property, goods or service;
(2) "Department" means the Executive Department for Finance and Administration;
(3) "Small Business Set Aside" means a purchase or contract request for which bids are to be invited and accepted only from small businesses by the department;
(4) "Small Business" shall be defined by the administrative regulations promulgated by the department.

SECTION 3. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
The department may within 90 days of the passage of this Act promulgate administrative regulations defining standards regarding classifications and definitions of small businesses as they relate to this Act. These regulations may be adjusted as needed by the Commissioner of the Executive Department for Finance and Administration in order to insure proper classification of small businesses.

SECTION 4. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
(1) The department shall designate as small business set aside state contracts of goods, equipment, construction or services for which purchase has been requested by or for any agency whenever there is a reasonable expectation that bids can be obtained from at least three (3) small businesses capable of furnishing the desired property or services at a fair and reasonable price. Such designation should be made prior to the advertisement for bids, and the advertisement shall indicate this invitation as a small business set aside.
(2) When an item has been designated as a small business set aside, invitations for bids shall be confined to small businesses and bids from other bidders may be rejected.
(3) The department shall award contracts to the lowest and best responsible bidder meeting specifications.

SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
If less than three (3) small businesses are considered as capable of meeting the specifications and terms of the invitations for bids or if the department determines that the lowest and best bid results in an unreasonable price, the agency shall reject all bids and withdraw the designation of small business set aside. Notification of reasons for rejection shall be given to the bidders. The department may then seek additional bids without reference to the small business designation.

**SB 27,** AN ACT relating to physician's assistants.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
There is created a certification program for physician's assistants.

SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Board" means the State Board of Medical Licensure.

(2) "Physician's Assistant" means a skilled person qualified by academic or clinical training and successful completion of an examination, certified by the board, who provides patient services and other assistance within the established scope of a physician's practice under the supervision and direction of a licensed physician responsible for the performance of the physician's assistant.

(3) "Approved Program" means a program for the education and training of physician's assistants that has been approved or has received preliminary approval by the American Medical Association Council on Medical Education, or the specialty board in the field of practice of the supervising physician, or has been approved by the board.

SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) No person shall hold himself out to the public as a certified physician's assistant or use a title designating such unless he has been certified by the board in accordance with the provisions of this Act.

(2) A physician's assistant shall, in the course of his duties, clearly identify himself as an assistant to a physician by wearing on his person a badge or nameplate with "Physician's Assistant" appearing thereon.

(3) No physician's assistant shall use the title of doctor or associate with his name or any other term which would indicate to other persons that he is qualified to engage in the general practice of medicine. A physician's assistant shall not be allowed to bill patients or in any way to charge for services. Nothing in this Act, however, shall be construed as to prevent the employer of a physician's assistant from charging for services rendered by the physician's assistant. The physician shall file with the board notice of employment and discharge of the physician's assistant at the time of said employment or discharge.

SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) The board shall issue certificates to physician's assistants meeting the standards for certification established by administrative regulation of the board and may revoke or suspend a certificate when a physician's assistant fails to maintain the established standards for certification or is in violation of the administrative regulations promulgated by the board.

(2) The board may issue, with the recommendation of the advisory council, administrative regulations, not inconsistent with this Act or any other provision of the Kentucky Revised Statutes, to administer the provisions of this Act.

(3) The administrative regulations shall provide for, but not be limited to, the following:

(a) The physician's assistant shall be supervised and responsible to a practicing physician licensed in accordance with the provisions of KRS Chapter 311;

(b) The physician's assistant shall be a graduate of a recognized training program or have the equivalent in training which may include training acquired in pursuit of a license as a licensed practical nurse.

(c) The physician's assistant shall successfully complete a written examination prepared or approved by the board. Persons licensed in Kentucky as registered nurses, who desire to become physician's assistants under the provisions of this Act, shall be certified upon successful completion of the examination.

SECTION 5. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) A certified physician's assistant shall not do any of the following under this Act:

(a) Any act which requires interpretation or judgment in determining the refractive state of the human eye;

(b) The prescribing of contact lenses for the human eye, or the doing of any act in the examination, fitting or adapting of contact lenses to the human eye which requires interpretation or judgment;

(c) The prescribing of ocular exercises, visual training or orthoptics.

(2) This section shall not prohibit a physician's assistant from doing any of the following:

(a) The making of any measurement which does not require interpretation or judgment and consists of doing mechanical or manual acts in the gathering of data for evaluation by a physician, osteopath or optometrist;

(b) The insertion or removal of contact lenses from a patient's eye or the instruction of a patient as to proper lens insertion, removal and care;

(c) The modifying of the parameters of a contact lens under the direct supervision of a physician, osteopath or optometrist;

(d) Any other act not prohibited by law.

SECTION 6. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) There is established an advisory council which shall advise the board on administrative regulations pertaining to the roles, functions and certification of the physician's assistant. The council shall consist of

thirteen (13) members appointed by the governor to four (4) year terms, except that initial terms shall be appointed as follows: two (2) for a term of one (1) year; four (4) for a term of two (2) years; four (4) for a term of three (3) years; and two (2) for a term of four (4) years.

(2) Membership of the council shall include two (2) educators of health manpower appointed from lists of three (3) names for each position submitted by the state medical schools, three (3) practicing physicians appointed from a list of three (3) names for each position submitted by the Kentucky Medical Association, one (1) registered nurse practitioner appointed from a list of three (3) names submitted by the Kentucky Board of Nursing Education and Nurse Registration, one (1) hospital administrator appointed from a list of three (3) names submitted by the Kentucky Hospital Association, one (1) representative from the Department for Human Resources appointed from a list of three (3) names submitted by the Commissioner of the Bureau for Health Services, one (1) consumer representative, one (1) representative of health care facilities appointed from a list of three (3) names submitted by the Kentucky Association of Health Care Facilities, one (1) individual appointed from a list of individuals who have participated in a training course for physician assistants, two (2) physician's assistants appointed from a list of three (3) names submitted by the Kentucky Academy of Physician's Assistants.

(3) The advisory council shall, within three (3) months after the appointment of the initial members of the council, develop and recommend to the board administrative regulations relating to the certification of physician's assistants.

(4) The advisory council shall develop and recommend to the board criteria for the approval of programs for the training of physician's assistants which have not been approved or received preliminary approval from the American Medical Association Council on Medical Education.

(5) The council shall advise the board on revising physician's assistant certification standards and practice as national standards change, consistent with the trends and needs for health manpower in the Commonwealth of Kentucky.

(6) Council members shall serve without pay; however, each member shall be reimbursed for all necessary and actual expenses incurred in the conduct of their activities as members of the council.

SECTION 7. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall limit or prevent any physician from delegating to any person, for whom a physician is responsible, any acts, tasks or functions which are otherwise permitted by law or established by custom and not contrary to the laws of the Commonwealth of Kentucky.

Section 8. KRS 311.550 is amended to read as follows:

As used in KRS 311.530 to 311.620 and 311.990 (8) to (11):

(1) "Board" means the state board of medical licensure;

(2) "President" means the president of the state board of medical licensure;

(3) "Secretary" means the secretary of the state board of medical licensure, or any assistant secretary thereof appointed as such by the board;

(4) "Regular license" means a license to practice medicine or osteopathy at any place in this state;

(5) "Limited license" means a license to practice medicine in a specific institution to the extent indicated in said license, except that no person who is the holder of a limited license on September 1, 1972, shall be restricted to an institutional practice without his consent;

(6) "Temporary permit" means a permit issued to a person who has applied for a regular license, and who appears (from verified information in the application) to the secretary to be qualified and eligible therefor;

(7) "Emergency permit" means a permit issued to a physician currently licensed in another state, authorizing him to practice in this state for the duration of a specific medical emergency, not to exceed thirty days.

(8) Except as provided in subsection (9) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices or instrumentalities.

(9) The "practice of medicine or osteopathy" does not include the practice of Christian Science, the practice of podiatry as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015, the practice as a nurse as defined in KRS 314.011, the performance of duties for which they have been trained by emergency medical technicians or medical emergency dispatchers certified by the department for human resources, *the practice and activities of a physician's assistant as defined in Section 2 of this Act,* the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that KRS 311.550 to 311.620 shall not be construed as repealing

the authority conferred on the department for human resources by KRS chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

(10) "Physician" means a doctor of medicine or a doctor of osteopathy.

The Committee on Judiciary-Courts reported **HB 611,** with Committee Amendment attached thereto, and **HB 814** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 611,** AN ACT relating to selection of jurors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 29.075 is amended to read as follows:

(1) The jury commissioners shall consult the current *list of licensed drivers 18 years of age and over* [voters' registration records], and/or the last returned tax records for the county, and, from such records, shall select from those qualified citizens and residents of the county, the following number of persons:

(a) In counties having a population of ten thousand (10,000) or less, not less than two hundred (200) nor more than three hundred (300);

(b) In counties having a population of more than ten thousand (10,000) and not more than twenty thousand (20,000), not less than two hundred fifty (250) nor more than four hundred (400);

(c) In counties having a population of more than twenty thousand (20,000) and not more than fifty thousand (50,000), not less than five hundred (500) nor more than six hundred (600);

(d) In counties having a population of more than fifty thousand (50,000) and not more than one hundred thousand (100,000), not less than one thousand (1,000) nor more than two thousand (2,000);

(e) In counties having a population of more than one hundred thousand (100,000) and a circuit court divided into branches, not less than one thousand (1,000), nor more than two thousand (2,000) for each division requiring the services of a jury.

(2) The commissioners shall place the name and address of each person so selected on a small slip of paper, each slip being as near the same size and appearance as practicable. Each slip shall then be by them inclosed in a small case or capsule and deposited unsealed in a revolving drum, but, before depositing any of the slips in the drum, the commissioners shall carefully examine it and remove therefrom any slips found therein. All memoranda of the slips placed in the drum shall be destroyed by the commissioners as soon as the names are recorded upon the slips of paper which are placed in the drum.

The Committee Amendment to **HB 611** is as follows:

Amend printed copy of House Bill 611 page 1, line 4, by adding a comma after the word "over";

and on line 5, by deleting the bracket before the word "voters" and by deleting the bracket after the word "records".

**HB 814,** AN ACT relating to the issuance of a citation by a peace officer.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 431.015 is amended to read as follows:

(1) A peace officer may issue a citation instead of making an arrest for a misdemeanor committed in his presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.

(2) If the defendant fails to appear in response to the citation, or if there are reasonable grounds to believe that he will not appear, a complaint may be made before a magistrate and a warrant shall issue.

*(3) A peace officer shall issue a citation instead of making an arrest for any misdemeanor violation of any law relating to or arising out of the operation of a motor vehicle except for violation of KRS 189.520.*

Section 2. KRS 431.005 is amended to read as follows:

(1) A peace officer may make an arrest in obedience to a warrant, or without a warrant when a felony or misdemeanor is committed in his presence or when he has reasonable grounds to believe that the person

being arrested has committed a felony. *This provision shall not apply to a misdemeanor violation of any law relating to or arising out of the operation of a motor vehicle except as provided in KRS 431.015(3).*

(2) A private person may make an arrest when a felony has been committed in fact and he has reasonable grounds to believe that the person being arrested has committed it.

Section 3. KRS 281.765 is amended to read as follows:

Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles and boats or boating, now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this chapter and to *issue citations* [make arrests] for any *misdemeanor* violation or violations thereof, and for *misdemeanor* violations of any other law relating to motor vehicles and boating, *and to make arrests for any felony violations* without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of any offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused *shall be taken* [may elect to be] immediately [taken] before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. [If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than one hundred dollars, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen hours after taking such bond.]

The Committee on Judiciary-Statutes reported **HB 746, HB 764, HB 815,** HCR 68, **SB 23** with Committee Amendment attached thereto, **SB 25,** and **SB 70** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 746,** AN ACT relating to controlled substances.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 218A.990 is amended to read as follows:

(1) Any person who knowingly and unlawfully traffics in or transfers a controlled substance classified in Schedules I or II which is a narcotic drug shall, for the first offense, be confined in the penitentiary for not less than 5 years nor more than 10 years *and may* [or] be fined not [less than $5,000 nor] more than $10,000, [or both,] and for each subsequent offense shall be confined in the penitentiary for not less than 10 years nor more than 20 years *and may* [or] be fined not [less than $10,000 nor] more than $20,000 [, or both].

(2) Any person who knowingly and unlawfully traffics in a controlled substance classified in Schedules I or II other than a narcotic drug, except marijuana, or in any controlled substance classified in Schedule III shall, for the first offense, be confined in the penitentiary for not less than 1 year nor more than 5 years *and may* [or] be fined not [less than $3,000 nor] more than $5,000, [or both,] and for each subsequent offense shall be confined in the penitentiary for not less than 5 nor more than 10 years *and may* [or] be fined not [less than $5,000 nor] more than $10,000 [, or both].

(3) Any person who knowingly and unlawfully traffics in any controlled substance classified in Schedules IV or V or transfers any controlled substance other than a narcotic drug except marijuana, classified in Schedules I, II, or III shall, for the first offense, be confined in the county jail for not more than 1 year or be fined not more than $500, or both, and for each subsequent offense shall be confined in the penitentiary for not less than one nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both.

(4) Any person who knowingly and unlawfully manufactures, sells, or possesses with intent to sell marijuana shall, for the first offense, be confined in the county jail for not more than 1 year or be fined not more than $500, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 1 nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both.

(5) Any person who knowingly and unlawfully possesses a controlled substance classified in Schedules I or II which is a narcotic drug shall be, for the first offense, confined in the penitentiary for not less than 1 year nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both and for each subsequent offense shall be confined in the penitentiary for not less than 5 years nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both.

(6) Except as otherwise provided in this subsection, any person who knowingly and unlawfully possesses any controlled substance classified in Schedules I, II, or III which is not a narcotic drug, except marijuana, or of any controlled substance classified in Schedules IV, or V, shall be confined in the county jail but not more than 1 year or be fined not more than $500, or both.

(a) Any person found guilty of possession of any controlled substance pursuant to this subsection shall for a first offense, be ordered to a facility designated by the Secretary of the Department for Human Resources where a program of treatment and rehabilitation not to exceed one year in duration shall be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five days of the date of sentencing. If, without good cause, the person fails to appear at the designated facility within the specified time, or if at any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than one year or a fine of not more than $500, or both. Upon discharge of the person from the facility by the Secretary of the Department for Human Resources or his designee prior to the expiration of the one-year period or upon satisfactory completion of one year of treatment, the person shall be deemed finally discharged from sentence. The Secretary or his designee shall notify the sentencing court of the date of such discharge from the facility.

(b) The Secretary of the Department for Human Resources or his designee shall inform each court of the identity and location of the facility to which such person is sentenced.

(c) Transportation to the facility shall be provided by the court when the court finds the person unable to convey himself to the facility within five days of sentencing by reason of physical infirmity or financial incapability.

(d) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.

(e) The Secretary for Human Resources, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall be notified of termination of treatment by the terminating facility.

(f) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment of patients and others for services rendered by the Department for Human Resources unless the person and the facility shall arrange otherwise.

(g) Any person found guilty of a subsequent offense of possession of controlled substances in violation of subsection (6) of this section shall be confined in the county jail for not more than 1 year or be fined not more than $500, or both.

(h) Prior to the imposition of sentence upon conviction of a second or subsequent offense, the court shall obtain a report of case progress and recommendations regarding further treatment from the facility at which the person was treated following his first conviction. If such material is not available, the court shall notify the Secretary of the Department for Human Resources, and the Secretary shall cause the person to be examined by a psychiatrist employed by the department to evaluate his mental condition and to make recommendations regarding treatment and rehabilitation. The psychiatrist making the examination shall submit a written report of his findings and recommendations regarding treatment and rehabilitation to the court which shall make the report available to the prosecuting attorney and the attorney for the defendant. The court shall take such reports into consideration in determining sentence. The Secretary may decline to cause such examination to be made if the number of psychiatrists on duty in the department is insufficient to spare one from his regular duties or if no such service may be purchased at regular departmental rates, in such event the Secretary shall notify the clerk of the court to that effect within three days after receipt of notification by the court.

(i) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this Act or under any statute of the United States or of any state relating to the substances classified as controlled substances.

(j) None of the provisions of this subsection shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

(k) In the case of any person who has been convicted for the first time of possession of controlled substances, the court may set aside and void the conviction upon satisfactory completion of treatment, probation or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Voiding of conviction under this subsection and dismissal may occur only once with respect to any person.

(7) Any person who knowingly and unlawfully possesses for his own use or transfers marijuana shall be confined in the county jail for not more than 90 days or be fined not more than $250.

(a) Any person found guilty of violating subsection (7) above may be ordered to a facility designated by the Secretary of the Department for Human Resources where a program of education, treatment, and rehabilitation not to exceed ninety days in duration shall be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five days of the date of sentencing. If without good cause, the person fails to appear at the designated facility within the specified time, or if any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than ninety days or a fine of not more than $250 or both. Upon discharge of the person from the facility by the Secretary of the Department for Human Resources or his designee prior to the expiration of the ninety-day period or upon satisfactory completion of ninety days of treatment, the person shall be deemed finally discharged from sentence. The Secretary or his designee shall notify the sentencing court of the date of such discharge from the facility.

(b) The Secretary of the Department for Human Resources or his designee shall inform each court of the identity and location of the facility to which a person sentenced by that court under this chapter shall be initially ordered.

(c) In the case of a person ordered to a facility for treatment and rehabilitation pursuant to this chapter, transportation to the facility shall be provided by the court when the court finds the person unable to convey himself to the facility within five days of sentencing by reason of physical infirmity or financial incapability.

(d) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.

(e) The Secretary for Human Resources, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall be notified of termination of treatment by the terminating facility.

(f) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment by patients and others for services rendered by the Department for Human Resources unless the person and the facility shall arrange otherwise.

(g) None of the provisions of this chapter shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

(h) In the case of any person who has been convicted of possession of controlled substances in the third degree, the court may set aside and void the conviction upon satisfactory completion of treatment, probation or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(8) Any person who violates any provision of subsection (3), (4), or (5) of KRS 218A.140 with respect to a controlled substance classified in Schedules I, II, or III shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than 1 year nor more than 5 years, or by a fine of not less than $3,000 nor more than $5,000, or both.

(9) Any person who violates any provision of subsection (3), (4), or (5) of KRS 218A.140 with respect to a controlled substance classified in Schedules IV or V shall be guilty of a felony and shall be punished by not less than 1 year nor more than 3 years imprisonment, or by a fine of not less than $1,000 nor more than $3,000, or both.

(10) Any person who violates subsection (6) of KRS 218A.140 or who violates any other provision of this chapter, for which a specific penalty is not otherwise provided, shall be guilty of a misdemeanor and shall upon conviction be imprisoned for not more than 90 days or fined not more than $500, or both.

**HB 764,** AN ACT relating to the Kentucky housing corporation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 198A.010 is amended to read as follows:

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Bonds" or "notes" means the bonds or bond anticipation notes authorized to be issued by the corporation under this chapter but shall not include any fund notes;

(2) "Corporation" means the Kentucky Housing Corporation created by this chapter;

(3) "Sponsors", "builders" or "developers" means non-profit corporations, *associations, partnerships or other entities*, consumer housing cooperatives and limited dividend housing corporations, *associations,*

*partnerships or other entities* organized pursuant to the Kentucky Revised Statutes for the primary purpose of providing housing to lower income persons and families;

(4) "Development costs" means the costs approved by the corporation as appropriate expenditures *and credits* which may be incurred by sponsors, builders and developers of residential housing, prior to commitment and initial advance of the proceeds of a construction loan or of a mortgage, including but not limited to:

(a) Payments for options to purchase properties on the proposed residential housing site, deposits on contracts of purchase, or, with prior approval of the corporation, payments for the purchase of such properties;

(b) Legal and organizational expenses, including payments of attorney's fees, project manager, clerical and other staff salaries, office rent and other incidental expenses;

(c) Payment of fees for preliminary feasibility studies and advances for planning, engineering and architectural work;

(d) Expenses for tenant surveys and market analyses; [and]

(e) Necessary application and other fees; *and*

*(f) Credits allowed by the corporation to recognize the value of service provided at no cost by the sponsors, builders and/or developers;*

(5) "Fund notes" means the notes authorized to be issued by the corporation under the provisions of KRS 198A.080;

(6) "Governmental agency" means any department, division, public agency, political subdivision or other public instrumentality of the Commonwealth, the federal government, any other state or public agency, or any two or more thereof;

(7) "Housing Development Fund" means the housing development fund created by KRS 198A.080;

(8) "Insured construction loan" means a construction loan for land development or residential housing which is secured by a mortgage either insured or guaranteed by or for which there is a commitment to insure or guarantee by (a) the United States of America or any agency or instrumentality thereof; or (b) any other entity which has been duly approved for the insuring of such loans by the United States of America or by the Commonwealth of Kentucky or any agency or instrumentality thereof;

(9) "Insured mortgage" or "insured mortgage loan" means a mortgage loan for land development for residential housing or for residential housing either made, insured or guaranteed by or for which there is a commitment to make, insure and guarantee by, (a) the United States of America or any agency or instrumentality thereof; or (b) any other entity which has been duly approved for the insuring of such loans by the United States of America or by the Commonwealth of Kentucky or any agency or instrumentality thereof *and shall also refer to and mean any loan for residential housing not secured by mortgage which is insured or guaranteed to at least eighty-five percent (85%) of its principal amount by the United States of America or any agency or instrumentality thereof*;

(10) "Land development" means the process of acquiring land primarily for residential housing construction for persons and families of lower income and making, installing or constructing non-residential housing improvement, including water, sewer and other utilities, roads, streets, curbs, gutters, sidewalks, storm drainage facilities and other installations or works, whether on or off the site, which the corporation deems necessary or desirable to prepare such land primarily for residential housing construction;

(11) "Obligations" means any bonds, bond anticipation notes or fund notes authorized to be issued by the corporation under the provisions of this chapter;

(12) "Persons and families of lower income" means persons and families of insufficient personal or family income as determined by the standards established by the corporation;

(13) "Residential housing" means a specific work or improvement undertaken primarily to provide dwelling accommodations for persons and families of lower income, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, and such other non-housing facilities as may be incidental or appurtenant thereto;

(14) "Tenant programs and services" means services and activities for persons and families living in residential housing, including the following:

(a) Counseling on household management, housekeeping, budgeting, and money management;

(b) Child care and similar matters;

(c) Access to available community services related to job training and placement, education, health, welfare, and other community services;

(d) Guard and other matters related to the physical security of the housing residents;

(e) Effective management-tenant relations, including tenant participation in all aspects of housing administration, management and maintenance;

(f) Physical improvements of the housing, including buildings, recreational and community facilities, safety measures, and removal of code violations;

(g) Advisory services for tenants in the creation of tenant organizations which will assume a meaningful and responsible role in the planning and carrying out of housing affairs;

(h) Procedures whereby tenants, either individually or in a group, may be given a hearing on questions relating to management policies and practices, either in general or in relation to an individual or family; and

(15) "State" means the Commonwealth of Kentucky.

Section 2. KRS 198A.040 is amended to read as follows:

The corporation shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including, but without limiting the generality of the foregoing, the power:

(1) To make or participate in the making of insured construction loans to sponsors of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(2) To make or participate in the making of insured mortgage loans to sponsors of residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that mortgage loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(3) To purchase or participate in the purchase of insured mortgage loans made to sponsors of residential housing or to persons of lower income for residential housing; provided, however, that any such purchase shall be made only upon the determination by the corporation that mortgage loans were not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(4) To make temporary loans from the Housing Development Fund;

(5) To collect and pay reasonable fees and charges in connection with making, purchasing and servicing its loans, notes, bonds, commitments and other evidences of indebtedness;

(6) To acquire real property, or any interest therein, by purchase, foreclosure, lease or sublease, or otherwise; to own, manage, operate, hold, clear, improve and rehabilitate such real property; and to sell, assign, exchange, transfer, convey, lease, mortgage or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purpose of the Kentucky Housing Corporation;

(7) To sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction, land development, mortgage or temporary loan of any type permitted by this chapter;

(8) To procure insurance against any loss in connection with its operations in such amounts, and from such insurers, as it may deem necessary or desirable;

(9) To consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purposes, to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the corporation is a party;

(10) To acquire, establish, operate, lease and sublease residential housing for persons and families of lower income and to enter into agreements or other transactions with any federal, state or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing and where no local housing authorities or other organizations exist to fill such need;

(11) To include in any borrowing such amounts as may be deemed necessary by the corporation to pay financing charges, interest on the obligations for a period not exceeding two years from their date, consultant, advisory and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) To make and publish rules and regulations respecting its lending programs and such other rules and regulations as are necessary to effectuate its corporate purposes;

(13) To provide technical and advisory services to sponsors, builders and developers of residential housing and to residents and potential residents thereof, including but not limited to, housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) To promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) To encourage community organizations to participate in residential housing development;

(16) To make, execute and effectuate any and all agreements or other documents with any federal or state agency or any person, corporation, association, partnership, or other organization or entity, necessary to accomplish the purposes of this Chapter;

(17) To accept gifts, devises, bequests, grants, loans, appropriation, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) To sue and be sued in its own name, plead and be impleaded;

(19) To maintain an office in the City of Frankfort and at such other place or places as it may determine;

(20) To adopt an official seal and alter the same at pleasure;

(21) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;

(22) To employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers and such other consultants and employes as may be required in the judgment of the corporation and to fix and pay their compensation from funds available to the corporation therefor;

(23) To invest any funds held in reserve or in sinking fund accounts or any monies not required for immediate disbursement in obligation guaranteed by the State, the United States, or their agencies or instrumentalities; provided, however, that the return on such investments shall not violate any rulings of the Internal Revenue Service regarding the investment of the proceeds of any federally tax exempt bond issue;

(24) To make or participate in the making of rehabilitation loans to the sponsors or owners of residential housing; provided, however, that any such rehabilitation loan shall be made only upon the determination by the corporation that the rehabilitation loan was not otherwise available wholly or in part from private lenders upon reasonably equivalent terms and conditions;

(25) To insure or reinsure construction, mortgage, and rehabilitation loans on residential housing; provided, however, that any such insurance, [or] reinsurance *or waiver* shall be made only upon the determination by the corporation *(a)* that such insurance or reinsurance is not otherwise available wholly or in part from private insurers upon reasonably equivalent terms and conditions; *and (b) that such loan is a reasonably sound business investment; and provided further that insurance may be waived only where the corporation finds that the amount of the loan does not exceed eighty-five percent (85%) of the development costs, or eighty-five percent (85%) of the value of the property secured by the mortgage as determined by at least two (2) appraisers who are independent of the sponsors, builders and developers;*

(26) To make grants from appropriated funds, agency and trust funds, and any other funds from any source available to the corporation, to sponsors, builders, developers, municipalities, local housing authorities and to owners of residential housing for the development, construction, rehabilitation or maintenance of residential housing and such facilities related thereto as corporation shall deem important for a proper living environment, all on such terms and conditions as may be deemed appropriate by the corporation; and

(27) To make periodic grants to reduce principal and interest payments on mortgages or rentals payable by persons and families of low income.

(28) The Kentucky Housing Corporation shall be exempt from the regulations of the Department of Insurance and the laws of the Commonwealth relating thereto.

Section 3. KRS 198A.060 is amended to read as follows:

(1) The articles of incorporation, [or] association, *partnership or other governing documents* of any sponsor, builder or developer assisted under this chapter shall contain, in addition to other requirements of law:

(a) That the corporation, cooperative or association has been organized to provide housing facilities and such social, recreational, commercial and community facilities as may be incidental or appurtenant thereto for persons or families of lower income;

(b) That the operations of the corporation, cooperative or association may be supervised by the Kentucky Housing Corporation and that the corporation, cooperative or association shall enter into such agreements with the Kentucky Housing Corporation as the Kentucky Housing Corporation from time to time requires, providing for regulation by the Kentucky Housing Corporation of the planning, development and management of any residential housing undertaken by the corporation, cooperative or association and their disposition of the property and franchises;

(c) That the Kentucky Housing Corporation shall have the power to appoint to the board of directors of the corporation, cooperative or association a number of new directors, which number shall be sufficient to constitute a majority of the board, if the corporation, cooperative or association has received a loan or advance under this chapter and the Kentucky Housing Corporation determines that the loan or advance is in jeopardy of not being repaid, or that the residential housing for which the loan or advance was made is in jeopardy of not being constructed.

(2) The articles of incorporation, [or] association, *partnership or other governing documents* of any limited dividend corporation, [or] association *or entity* of any sponsor, builder or developer assisted under this chapter shall provide, in addition to other requirements of law, that every stockholder or member shall be deemed to have agreed that he shall not receive from the corporation, [or] association *or entity* in repayment of his investment any sums in excess of the face value of the investment attributable to his respective interest plus cumulative dividend payments at such rate as the Kentucky Housing Corporation deems to be reasonable and proper [, computed from the initial date upon which moneys were paid or property delivered in

consideration for the interest and upon dissolution of the limited dividend corporation or association any surplus in excess of such amounts shall be paid to the Kentucky Housing Corporation].

Section 4. KRS 198A.080 is amended to read as follows:

(1) There is hereby created and established a special revolving loan fund to be known as the Housing Development Fund and to be administered by the corporation as a trust fund separate and distinct from any other moneys or funds administered by the corporation.

(2) The Housing Development Fund shall be comprised of and the corporation is hereby authorized to receive and accept for the Housing Development Fund the proceeds of grants, contributions, appropriations, repayment of loans made from the fund, the proceeds of fund notes and any other monies which may be made available to the corporation for the purposes of the Housing Development Fund from any other source. The corporation is hereby authorized to receive and accept from any source whatever any grants or contributions for the Housing Development Fund. The corporation is further authorized to provide for the issuance, at one time or from time to time, of Housing Development Fund notes for the purpose of providing funds for such Fund; provided, however, that not more than $5,000,000 fund notes shall be outstanding at any one time. The principal of and the interest on any such fund notes shall be payable solely from the Housing Development Fund. The fund notes of each issue shall be dated, shall mature at such time or times not exceeding ten years from their date or dates, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be determined by the corporation. The corporation shall determine the form and manner of execution of the fund notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations and the place or places of payment of principal and interest, which may be any bank or trust company within or without the state or any agent, including the lender. In case any officer whose signature or a facsimile of whose signature shall appear on any fund notes or coupons attached thereto shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The fund notes may be issued in coupon or in registered form, or both, as the corporation may determine, and provision may be made for the registration of any coupon fund notes as to principal alone and also as to both principal and interest, and for the reconversion into coupon fund notes of any fund notes registered as to both principal and interest, and for the interchange of registered and coupon fund notes. Any such fund notes shall bear interest at such rate or rates as may be determined by the corporation and may be sold in such manner, either at public or private sale, and for such price as the corporation shall determine to be for the best interest of the corporation and best effectuate the purposes of this chapter.

(3) The proceeds of any fund notes shall be used solely for the purposes for which issued and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide in the resolution authorizing the issuance of such fund notes. The corporation may provide for the replacement of any fund notes which shall become mutilated or shall be destroyed or lost.

(4) Fund notes may be issued under the provisions of this section without obtaining the consent of any department, division, commission, board, body, bureau or agency of the state, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this chapter and the provisions of the resolution authorizing the issuance of such fund notes.

(5) The purpose of the Housing Development Fund is to provide a source from which the corporation may make [temporary] loans *and grants*, and the corporation is authorized to make [temporary] loans *and grants* from the Housing Development Fund, at such interest rate or rates as may be determined by the corporation to be for the best interest of the corporation and best effectuate the purpose of this chapter, and with such security for repayment as the corporation deems reasonably necessary and practicable, to:

(a) Defray development costs of sponsors, builders and developers of residential housing, or

(b) Provide to persons and families of lower income who are applying for mortgages, *either for purchase or rehabilitation of residential housing* the amounts required to make down payments, *pay closing costs* [and pay closing costs], or *make interest payments, or*

(c) Make or participate in the making of construction loans which are not federally insured to sponsors, builders and developers of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions.

(6) No temporary loans shall be made by the corporation from the Housing Development Fund except in accordance with a written agreement which shall include, without limitation, the following terms and conditions:

(a) The proceeds of such loan shall be used only for the purpose for which such loan shall have been made as provided in the agreement;

(b) Such loan shall be repaid in full as provided in the agreement;

(c) All repayments in connection with a loan to defray development costs shall be made concurrent with receipt by the borrower of the proceeds of a construction loan or mortgage loan, as the case may be, or at such other times as the corporation deems reasonably necessary or practicable; and

(d) Such security for repayment shall be specified and shall be upon such terms and conditions as the corporation deems reasonably necessary or practicable to insure all repayments.

(7) No funds from the Housing Development Fund shall be used to carry on propaganda or otherwise attempt to influence legislation.

**HB 815,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

In the case of an accidental homicide by motor vehicle, when no arrest is made at the scene of the accident and a complaint is later filed against the driver, the court shall not issue a warrant for the arrest of the driver unless there is reason to believe that the driver will flee to avoid a summons. Instead of a warrant, a summons shall be issued and served upon the driver to have him reappear for arraignment and plea at a certain time.

**HR 68,** A CONCURRENT RESOLUTION directing the United States Congress to recognize the rights of the unborn.

WHEREAS, court decisions in recent years have expressly deprived the unborn of legal and constitutional protection during gestation; and

WHEREAS, such judicial holding condones the destruction of an entire class of human life; and

WHEREAS, human life in all states is entitled to the protection of the laws and may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States; and

WHEREAS, the issue is of such great magnitude the extent to which human life itself is protected under the Constitution; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky believes it to be in the best interest of the people of the United States that an amendment to the Constitution of the United States be adopted to protect unborn human lives;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Congress of the United States adopt a resolution proposing a constitutional amendment that will certify the unborn to be a citizen and, as a citizen, be entitled to all rights granted under the United States Constitution, including the rights of life, liberty and the pursuit of happiness.

Section 2. That a duly attested copy of this resolution be transmitted to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, each member of Congress from this Commonwealth and each member of the United States Supreme Court.

**SB 23,** AN ACT relating to attachments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 425.006 is created to read as follows:

As used in this chapter.

(1) The term "Judicial officer" means any judge or any commissioner or other officer appointed by the trial court to perform the duties required by this chapter.

(2) The term "probable validity of the claim" means a claim in which it is more likely than not that the plaintiff will obtain a judgment against the defendant on that claim.

(3) The term "dwelling" as used in this chapter means a mobile home, boat or similar property used as a place of residence.

Section 2. KRS 425.011 is created to read as follows:

(1) Upon filing of the complaint or at any time prior to judgment, in an action to recover the possession of specific personal property, the plaintiff may apply pursuant to this chapter for a writ of possession by filing a written motion for the writ with the court in which the action is brought.

(2) The motion shall be executed under oath and shall include all of the following:

(a) A showing of the basis of the plaintiff's claim and that the plaintiff is entitled to possession of the property claimed. If the basis of the plaintiff's claim is a written instrument, a copy of the instrument shall be attached.

(b) A showing that the property is wrongfully detained by the defendant, of the manner in which the defendant came into possession of the property, and, according to the best knowledge, information, and belief of the plaintiff the reason for the detention.

(c) A particular description of the property and a statement of its value;

(d) A statement, according to the best knowledge, information and belief of the plaintiff, of the location of the property and if the property, or some part of it, is within a private place which may have to be entered to take possession a showing that there is probable cause to believe that such property is located there. Although such showing may be based on information and belief the judicial officer at the hearing herein provided must be presented with facts sufficient to show that the information and the informant are credible and reliable.

(e) A statement that the property has not been taken for a tax assessment, or fine, pursuant to a statute; or seized under an execution against the property of the plaintiff; or if so seized, that it is by statute exempt from such seizure.

(3) The requirements of subsection (2) of this Act may be satisfied by one or more affidavits filed with the application.

Section 3. KRS 425.016 is created to read as follows:

Except as otherwise provided in this chapter no writ shall be issued under this chapter except after a hearing by a judicial officer on a noticed motion.

Section 4. KRS 425.021 is created to read as follows:

(1) Not less than ten days prior to the hearing required by Section 3 of this Act, the defendant shall be served with all of the following:

(a) A copy of the complaint;

(b) A Notice of Application and Hearing; and

(c) A copy of the motion for a writ of possession and any affidavit in support thereof.

(2) Service of the pleadings as required in subsection (1) of this section shall be obtained by delivering such pleadings to the defendant or by sending them by mail to his last known place of residence.

Section 5. KRS 425.027 is created to read as follows:

(1) The Notice of "Application and Hearing" shall inform the defendant of all of the following:

(a) Time and place of the hearing as specified in the notice on plaintiff's motion for a writ of possession.

(b) That the writ will be issued if the judicial officer finds that the plaintiff's claim is probably valid and the other requirements for issuing the writ are established.

(c) That the hearing is not for the purpose of determining whether the claim is actually valid. The determination of the actual validity of the claim will be made in subsequent proceedings in the action and will not be affected by the decision of the judicial officer at the hearing on the motion for writ; and

(d) That if the defendant desires to oppose the issuance of the motion, he shall file with the court either an affidavit providing evidence sufficient to defeat the plaintiff's right to issuance of the writ or a bond to stay the delivery of the property in accordance with Section 23 of this Act.

(2) The Notice of "Application and Hearing" shall also contain the following statement:

"If you believe the plaintiff may not be entitled to possession of the property claimed, you should seek the advice of an attorney. Such attorney should be consulted promptly so that he may assist you before the time set for the hearing."

Section 6. KRS 425.031 is created to read as follows:

Each party shall file with the court and serve upon the other party any affidavits and points and authorities intended to be relied upon at the hearing at least three (3) days prior to the hearing. At the hearing, the judicial officer shall make his determinations upon the basis of the pleadings and other papers in the record; but upon good cause shown, he may receive and consider additional evidence and authority produced at the hearing or he may continue the hearing for the production of such additional evidence, oral or documentary or the filing of other affidavits or points and authorities.

Section 7. KRS 425.036 is created to read as follows:

(1) At the hearing, the judicial officer shall issue a writ of possession if he finds both of the following:

(a) The plaintiff has established the probable validity of his claim to possession of the property; and

(b) The plaintiff has provided a bond as required by Section 22 of this Act.

(2) No writ directing the levying officer to enter a private place to take possession of any property shall be issued unless the plaintiff has established that there is probable cause to believe that such property is located there.

Section 8. KRS 425.041 is created to read as follows:

If a writ of possession is issued, the judicial officer may also issue an order directing the defendant to transfer possession of the property to the plaintiff.

Section 9. KRS 425.046 is created to read as follows:

(1) The writ of possession shall meet all of the following requirements:

(a) The writ shall be directed to the sheriff;

(b) The writ shall describe the specific property to be seized;

(c) The writ shall specify any private place that may be entered to take possession of the property or some part of it; and

(d) The writ shall direct the sheriff to levy on the property pursuant to Section 18 of this Act if found and to retain it in his custody until released or sold pursuant to Section 20 of this Act.

(2) The writ shall inform the defendant that he has the right to obtain redelivery of the property by filing a bond with one or more sufficient sureties as prescribed by Section 23 of this Act or that he has the right to except to the sureties upon the plaintiff's bond, a copy of which shall be attached to the writ.

(3) The writ may at any time before judgment be directed to any county for the delivery of the property claimed.

Section 10. KRS 425.051 is created to read as follows:

(1) The plaintiff may apply ex parte in writing to the court in which the action was brought for an endorsement on the writ directing the sheriff to seize the property at a private place not specified in the writ.

(2) The judicial officer shall make the endorsement if the plaintiff establishes by affidavit that there is probable cause to believe that the property or some part of it may be found at that place.

Section 11 KRS 425.056 is created to read as follows:

Neither the failure of the defendant to oppose the issuance of a writ of possession under this chapter nor his failure to rebut any evidence produced by the plaintiff in connection with proceedings under this chapter shall constitute a waiver of any defense to plaintiff's claim in the action or any other action or have any effect on the right of the defendant to produce or exclude evidence at the trial of any such action.

Section 12. KRS 425.061 is created to read as follows:

The determinations of the judicial officer under this chapter shall have no effect on the determination of any issues in the action other than the issues relevant to proceedings under this chapter, nor shall they affect the rights of any party in any other action arising out of the same claim. The determinations of the judicial officer under this chapter shall not be given in evidence nor referred to in the trial of any such action.

Section 13. KRS 425.066 is created to read as follows:

(1) At or after the time he files his motion for writ of possession, the plaintiff may apply for a temporary restraining order by setting forth in the motion a statement of grounds justifying the issuance of such order.

(2) The judicial officer may issue a temporary restraining order if he determines that plaintiff's motion for writ of possession shows the probability that there is an immediate danger that the property claimed may become unavailable to levy by reason of being transferred, concealed, or removed or may become substantially impaired in value.

(3) If at the hearing on issuance of the writ of possession the judicial officer determines that the plaintiff is not entitled to a writ of possession, the judicial officer shall dissolve any temporary restraining order; otherwise, he may issue a preliminary injunction to remain in effect until the property claimed is seized pursuant to the writ of possession.

Section 14. KRS 425.071 is created to read as follows:

In the discretion of the judicial officer, the temporary restraining order may prohibit the defendant from doing any of the following:

(a) Transferring any interest in the property by sale, pledge, or grant of security interest, or otherwise disposing of or encumbering, the property. If the property is farm products held for sale or lease or is inventory, the order may not prohibit the defendant from transferring the property in the ordinary course of business, but the order may impose appropriate restrictions on the disposition of the proceeds from such transfer.

(b) Concealing or otherwise removing the property in such a manner as to make it less available to seizure by the levying officer.

(c) Impairing the value of the property either by acts of destruction or by failure to care for the property in a reasonable manner.

Section 15. KRS 425.076 is created to read as follows:

(1) A judicial officer, except as otherwise provided by statute, shall not issue an ex parte writ of possession unless it appears from facts shown by affidavit that great or irreparable injury would result to the plaintiff if issuance of the writ were delayed until the matter could be heard on notice.

(2) The requirement of subsection (1) is satisfied if any of the following are known:

(a) A danger that the property sought to be attached would be concealed or placed beyond the process of the court or substantially impaired in value if issuance of the order were delayed until the matter could be heard on notice.

(b) The defendant gained possession of the property by wrongfully taking the property from the plaintiff. This provision shall not apply when the defendant has fraudulently appropriated property entrusted to him or obtained possession by false pretense or by embezzlement.

(c) The property is a credit card.

(d) Any other circumstances showing that great or irreparable injury would result to the plaintiff if issuance of the writ were delayed until the matter could be heard on notice.

(3) The plaintiff's motion for the writ shall satisfy the requirements of Section 2 of this Act and in addition shall include a showing that the conditions required by this section exist. The judicial officer may issue a writ of possession if he finds that the conditions required by this section exist and the requirements of Section 7 of this Act are met. Where a writ of possession has been issued pursuant to this section, a copy of the summons and complaint, a copy of the motion for the writ of possession and any affidavit in support thereof shall be served upon persons required by Section 19 of this Act to be served with a writ of possession.

Section 16. KRS 425.081 is created to read as follows:

(1) Any defendant whose property has been taken pursuant to a writ of possession issued under Sections 7 and 15 of this Act may apply for an order that the writ be quashed and any property levied on pursuant to the writ be released. Such application shall be made by noticed motion and the provisions of Section 6 of this Act.

(2) Pending the hearing on the defendant's motion the judicial officer may order that delivery pursuant to Section 20 of this Act of any property previously levied upon be stayed. If the judicial officer determines that the plaintiff is not entitled to a writ of possesison, he shall quash the writ of possession and order the release of any property previously levied upon.

Section 17. KRS 425.086 is created to read as follows:

(1) In any case where the plaintiff has made a motion for a writ of possession under Section 15 of this Act the court may in its discretion deny the motion for the writ and issue instead a temporary restraining order under this chapter if it determines that the requirements of subsection (3) of Section 15 of this Act are satisfied but that the issuance of the temporary restraining order instead of the writ of possession would be in the interest of justice and equity to the parties, taking into account the effect on the defendant of issuing a writ of possession ex parte, the effect on the plaintiff of issuing the temporary restraining order instead of the writ and other factors that bear on equity and justice under the circumstances of the particular case.

(2) If the court issues a temporary restraining order under this section, the plaintiff's motion for a writ of possession shall be treated as a motion for a writ of possession under Section 2 of this Act and the plaintiff shall comply with the requirements of service provided in Section 4 of this Act.

Section 18. KRS 425.091 is created to read as follows:

(1) Except as otherwise provided in this section, upon receipt of the writ of possession the levying officer shall search for and take custody of the specified property, if it be in the possession of the defendant or his agent, either by removing the property to a place of safe keeping or upon order of the judicial officer by installing a keeper.

(2) If the specified property is used as a dwelling, levy shall be made by placing a keeper in charge of the property for two days at the plaintiff's expense, after which period the levying officer shall remove the occupants and any contents not specified in the writ and shall take exclusive possession of the property.

(3) If the specified property or any part of it is in a private place, the levying officer shall at the time he demands possession of the property announce his identity, purpose and authority. If the property is not voluntarily delivered, the levying officer may cause any building or enclosure where the property may be located to be broken open in such a manner as he reasonably believes will cause the least damage and may call upon the power of any other law enforcement officers of the county to aid and protect him, but, if he reasonably believes that entry and seizure of the property will involve a substantial risk of death or serious bodily harm to any person he shall refrain from seizing the property and shall promptly make a return to the court from which the writ issued setting forth the reasons for his belief that the risk exists. In such case, the judicial officer shall make such orders as may be appropriate.

(4) Nothing in this section authorizes the levying officer to enter or search any private place not specified in the wirt of possession or other order of the judicial officer.

Section 19. KRS 425.096 is created to read as follows:

(1) At the time of the levy, the levying officer shall deliver to the person in possession of the property a copy of the writ of possession with a copy of the plaintiff's bond attached.

(2) If no one is in possession of the property at the time of levy, the levying officer shall subsequently serve the writ and attached bond on the defendant or if he cannot be found the levying officer shall leave the writ and attached bond at the usual place of abode of the person in possession of the property.

(3) If after a writ of possession has been placed in the hands of the sheriff, any property of the defendant be removed from the county the sheriff may pursue and attach it in another county within twenty-four (24) hours after the removal.

Section 20. KRS 425.101 is created to read as follows:

(1) After the levying officer takes possession pursuant to a writ of possession, he shall keep the property in a secure place. Except as otherwise provided by Section 16 of this Act.

(a) If bond with sufficient surety for redelivery is not filed and plaintiff's sureties are not excepted to, the sheriff shall deliver the property to plaintiff 10 days after levy of the writ of possession, upon receiving his fees for taking and necessary expenses for keeping the property.

(b) If a bond with sufficient surety is filed within 10 days after levy of the writ of possession and defendant's sureties are not excepted to, the sheriff shall redeliver the property to defendant upon expiration of the time to so except, upon receiving his fees for taking and necessary expenses for keeping the property not already paid or advanced by the plaintiff.

(c) If the plaintiff's sureties are excepted to, or if a bond for redelivery is filed within 10 days after levy of the writ of possession and defendant's sureties are excepted to, the sheriff shall not deliver or redeliver the property until the time provided in Section 24 of this Act.

(2) Notwithstanding subsection (1), where not otherwise provided by contract, upon a showing that the property is perishable or will greatly deteriorate or depreciate in value or for some other reason that the interests of the parties will best be served thereby, the judicial officer may order that the property be sold and the proceeds deposited in the court to abide the judgment in the action.

Section 21. KRS 425.106 is created to read as follows:

(1) The levying officer shall return the writ of possession with his proceedings thereon, to the court in which the action is pending within 30 days after levy but in no event more than 60 days after the writ is issued.

(2) If it appears from the return of the writ of possession that the property claimed has been disposed of or concealed so that the writ cannot be executed, the court may compel the attendance of the defendant, examine him on oath as to the situation of the property, and punish a disobedience of its orders in this respect as in cases of contempt.

Section 22. KRS 425.111 is created to read as follows:

(1) The judicial officer shall not issue a temporary restraining order or a writ of possession until the plaintiff has filed with the court a written bond that, if the plaintiff fails to recover judgment in the action, the plaintiff shall return the property to the defendant, if return thereof be ordered, and shall pay all costs that may be awarded to the defendant and all damages referred to in subsection (2), not exceeding the amount of the bond. The bond shall be executed by one or more sufficient sureties in an amount not less than twice the value of the property as determined by the judicial officer. This subsection may be satisfied by the posting of a cash bond.

(2) The damages referred to in subsection (1) are all damages sustained by the defendant which are proximately caused by operation of the temporary restraining order and preliminary injunction, if any, the levy of the writ of possession, and the loss of possession of the property pursuant to levy of the writ of possession or in compliance with an order issued under Section 7.

Section 23. KRS 425.116 is created to read as follows:

(1) The defendant or any other person claiming interest in the property, may prevent the plaintiff from taking possession of property pursuant to a writ of possession or regain possession of property so taken by filing with the court in which the action was brought, a written bond executed by one or more sufficient sureties in an amount equal to either the amount of the plaintiff's bond required by Section 22 of this Act or if there has been no judicial determination, the value of the property stated in the plaintiff's application for a writ of possession. The bond shall state that, if the plaintiff recovers judgment on the action, the defendant shall pay all costs awarded to the plaintiff and all damages that the plaintiff may sustain by reason of the loss of possession of the property, not exceeding the amount of the bond. The damages recoverable by the plaintiff pursuant to this section shall include all damages proximately caused by the plaintiff's failure to gain or retain possession.

(2) The defendant's bond may be filed at any time before or after levy of the writ of possession. A copy of the bond shall be mailed to the levying officer and to the plaintiff. A certification stating that such copies have been mailed shall be filed with the court at the time the bond is filed.

(3) The defendant's bond shall state the address to which a copy of the notice of exception to sureties may be sent.

(4) If an undertaking for redelivery is filed and defendant's sureties are not excepted to, the levying officer shall deliver the property to the defendant, or, if the plaintiff has previously been given possession of the property, the plaintiff shall deliver such property to the defendant. If a bond for redelivery is filed and defendant's sureties are excepted to, the provision of Section 20 of this Act shall apply.

Section 24. KRS 425.121 is created to read as follows:

(1) The defendant may except to the plaintiff's sureties not later than 10 days after levy of the writ of possession by filing with the court in which the action was brought a notice of exception to sureties and mailing a copy of the notice to the levying officer and to the plaintiff. The notice of exception filed with the court shall contain a certification that copies have been mailed to the levying officer and to the plaintiff.

(2) The plaintiff may except to the defendant's sureties not later than 10 days after the defendant's bond is filed by filing with the court in which the action was brought a notice of exception to sureties and mailing a copy of the notice to the levying officer and to the defendant at the address set out in his bond. The notice of exception filed with the court shall contain a certification that copies have been mailed to the levy officer.

(3) If the plaintiff or the defendant does not except to the sureties of the other as provided in this section he waives all objection to them.

(4) When expected to, the sureties shall justify that they are sufficient before a judicial officer of the court in which the action was brought at a time specified by the excepting party and in compliance with the rules of procedure.

(5) If the plaintiff's sureties, or others in their place, fail to justify at the time and place appointed or do not qualify, the judicial officer shall vacate the temporary restaining order or preliminary injunction, if any, and the writ of possession and, if levy has occurred, order the levying officer to return the property to the defendant. If the plaintiff's sureties do qualify the judicial officer shall order the levying officer to deliver the property to the plaintiff.

(6) If the defendant's sureties or others in their place fail to justify at the time and place appointed or do not qualify, the judicial officer shall order the levying officer to deliver the property to the plaintiff, or if the plaintiff has previously been given possession of the property he shall retain such possession. If the defendant's sureties do qualify; the judicial officer shall order the levying officer or the plaintiff to deliver the property to the defendant.

Section 25. KRS 425.126 is created to read as follows:

(1) If any claim be made by attachment, garnishment or other judicial order to a security which is transferable in the manner set forth in KRS 355.8-320, such order shall not be valid as against any clearing corporation as defined in KRS 355.8-102(3), custodian bank as defined in KRS 355.8-102(4) or nominee or agent of either having any interest in, custody of or control over such security unless such order identifies the security by setting forth the name of the issuer, the class or series of the security, or both, the number of shares or other units of interest represented by the security, the name of the debtor and the name of the person having an account on the books of the clearing corporation (as defined in KRS 355.8-102(3) in which such security is shown.

(2) An attachment, garnishment or other judicial order of the kind described in subsection (1) hereof which does not set forth all the elements of identification of the security as specified therein shall in no manner bind or give notice of such claim to any clearing corporation as defined in KRS 355.8-102(3), custodian bank as defined in KRS 355.8-102(4) or nominee or agent of either having an interest in, custody of or control over such security, and such person, clearing corporation, custodian bank or nominee may transfer, pledge or in any manner deal with such security in disregard of such order or claim without liability to the claimant.

(3) It shall be the duty of every person mentioned in subsections (1) and (2) to whom the sheriff shall apply therefor to furnish him a certificate of the number of shares of the defendant in the stock of the corporation or a description of the property held by such corporation or person for the benefit of the defendant, or belonging to him, or the amount of the debt owing to the defendant, by such corporation or person, whether due or not; and a failure to perform this duty may be punished by the court as a contempt.

Section 26. KRS 425.301 is created to read as follows:

The plaintiff may, at or after the commencement of an action, have an attachment against the property of the defendant, including garnishees, as a security for the satisfaction of such judgment as may be recovered:

(1) In an action for the recovery of money against:

(a) A defendant who is a foreign corporation or nonresident of the state; or

(b) Who has been absent herefrom for four (4) months; or

(c) Has departed herefrom with intent to defraud his creditors; or

(d) Has left the county of his residence to avoid the service of a summons; or

(e) So conceals himself that a summons cannot be served upon him; or

(f) Is about to remove, or has removed, his property, or a material part thereof, out of this state, not leaving enough therein to satisfy the plaintiff's claim, or the claims of said defendant's creditors; or

(g) Has sold, conveyed, or otherwise disposed of, his property, or suffered or permitted it to be sold, with the fraudulent intent to cheat, hinder or delay his creditors; or

(h) Is about to sell, convey, or otherwise dispose of his property, with such intent. But an attachment shall not be granted on the ground that the defendant is a foreign corporation, or a nonresident of this state, for any claim other than a debt or demand arising upon a contract, express or implied, or a judgment or award.

(2) In an action for the recovery of money due upon a contract, judgment or award, if the defendant have no property in this state subject to execution, or not enough thereof to satisfy the plaintiff's demand, and the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found;

(3) Where the property sought to be attached prior to judgment is earnings, as defined in KRS 427.005, the person seeking the order of garnishment must first make a demand in writing at, or after the time the suit is filed, by delivering such demand to the debtor or by sending it to him by registered or certified mail, return receipt requested, to his last known place of residence, at least seven (7) and not more than sixty (60) days before such order is sought. The demand shall contain a statement in substance that the debtor has seven (7) days in which to petition the court for a hearing or in which to pay the claim in full, and that unless a hearing is set or the claim paid, an order of garnishment will be sought to subject his earnings to payment of the claim. The statement shall identify the court in which the suit has been filed, the grounds therefor, the date of the demand, the amount of the claim, and the name and address of the plaintiff and his attorney. An affidavit of the plaintiff or his attorney evidencing compliance with this section shall be filed before an order of garnishment shall be issued.

Section 27. KRS 425.306 is created to read as follows:

(1) Before a debt or liability upon a contract becomes due or matures, an equitable action for indemnity may be brought by a creditor against his debtor; by a surety against his principal; or by one who is jointly liable with another for such debt or liability, against the latter:

(a) If the defendant be about to depart from this state, and, with intent to defraud his creditors, have concealed or removed from this state his property, or so much thereof that the process of court after judgment, cannot be executed.

(b) If there exist against the defendant any of the grounds for an attachment which are mentioned in paragraphs (c), (d), (e), (f), (g) and (h) of subsection (1) of KRS 425.301.

(2) Upon an action being filed, if the petition shows the existence of any of the grounds specified in paragraph (b) of subsection (1) of this section the court may order an attachment subject to KRS 425.311.

Section 28. KRS 425.311 is created to read as follows:

(1) An attachment in any case mentioned in subsections (1) or (2) of KRS 425.301 or 425.306 shall not be executed until a writ of possession has been issued by the court in which the action is brought or pending.

(2) The provisions of KRS 425.006 to 425.126 shall, as far as applicable, govern proceedings under this section.

Section 29. KRS 425.316 is created to read as follows:

(1) Any person owing debts to the defendant, or having in his possession or under his control any personal property belonging to the defendant, may be required to appear before the court and be examined on oath regarding such property.

(2) If the person ordered to appear pursuant to this section fails to appear, the court may as in cases of contempt punish a disobedience.

(3) After such examination, if the person admits that he is indebted to the defendant, or that he holds property belonging to the defendant, the court court may order that such debt or property belonging to the defendant be attached in the manner and under the conditions provided by this chapter and that any amount owing be paid to the levying officer. If the person admits that he holds property which belongs to the defendant and in which he claims no interest the court may order that such property be delivered to the levying officer on such terms as may be just.

Section 30. KRS 425.501 is created to read as follows:

(1) Any person in whose favor a final judgment in personam has been entered in any court of record of this state may, upon the filing of an affidavit by him or his agent or attorney in the office of the clerk of the court in which the judgment was entered, and in the same cause in which said judgment was obtained showing the date of the judgment and the amount due thereon, and that one or more named persons hold property belonging to, or are indebted to, the judgment debtor, obtain an order of garnishment directed to the sheriff, with as many copies as the plaintiff may direct, requiring him to summon the garnishees named in the affidavit to answer in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof. The order shall be made returnable as an order of arrest is directed to be returned.

(2) The judgment plaintiff shall not be required to execute bond to obtain the order.

(3) The order of garnishment shall be served on the persons named as garnishees, and in addition a copy thereof shall be delivered by the garnishee to the judgment debtor or mailed to him at his last known address.

(4) The judgment debtor may, on the return day, appear and claim the exemption of any property or debt that is exempt from execution, and on proof of exemption the garnishment shall be discharged as to the exempt property or debt.

(5) If the court finds that the garnishee was, at the time of service of the order upon him, possessed of any property of the judgment debtor, or was indebted to him, and the property or debt is not exempt from execution, the court shall order the property or the proceeds of the debt applied upon the judgment.

(6) Subsequent orders of garnishment against the same or other garnishees may be issued in the same manner until the judgment is satisfied.

(7) The provisions of KRS chapter 427 shall, as far as applicable, govern proceedings under the order.

(8) The order of garnishment shall be directed and delivered to the sheriff, with as many copies thereof as the plaintiff may direct. It shall require the sheriff to summon the garnishees to answer in the action in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof.

Section 31. KRS 425.506 is created to read as follows:

(1) An order of garnishment of earnings, as defined in KRS 427.005, shall create a lien on all nonexempt earnings earned during the pay period in which the order is served on the employer, and where the pay period is for a period of less than two (2) weeks, or where the employe has been paid in advance for the pay period in which the order is served, also on all nonexempt earnings earned during the next succeeding pay period.

(2) Orders of attachment or garnishment of earnings shall have priority according to the date of service on the employer, each inferior order taking effect as if served at the commencement of the next succeeding pay period not subject to a prior order; provided that no creditor shall cause two (2) orders to be served on the employer against the same employe in the same pay period.

(3) The order shall be served on the employer in triplicate and shall have printed thereon an explanation of subsections (1) and (2) of this section, the percentage of the disposable earnings, as defined in KRS 427.005, exempted from the order by subsection (2) of KRS 427.010, and the percentage to be forwarded to the court.

(4) The order shall have printed thereon the following directions to the employer:

(a) That a copy of the order shall be delivered to the employe, a copy retained by the employer for his records, and a copy returned by the employer to the court.

(b) That on the reverse side of the court copy shall be stated, under oath by the employer, the gross amount of earnings and the nonexempt amount of disposable earnings for the designated pay period subject to the order. If no funds are due, the reasons therefor shall be given.

(c) That the court copy of the order and the nonexempt amount of disposable earnings shall be forwarded to the court.

Section 32. KRS 425.511 is created to read as follows:

(1) Each garnishee summoned shall appear. The appearance may be in person; or by the affidavit of the garnishee, served and filed in the manner and at the time required for an answer by the Rules of Civil Procedure, disclosing truly the sum owing by him to the defendant, whether due or not, and the property of the defendant in the possession or under the control of the garnishee; and, in the case of a corporation, any shares of stocks therein held by or for the benefit of the defendant, at or after the service of the order of attachment.

(2) If such garnishee or officer make default, by not appearing, the court may, on the motion of the plaintiff, compel him to appear in person for examination, by process as in cases of contempt; or it may hear proof of any debt owing or property held by the garnishee to or for the defendant, and make such order in relation thereto as if what is so proved had appeared on the examination of the garnishee or officer.

Section 33. KRS 425.516 is created to read as follows:

The garnishee may pay the money owing to the defendant by him, not exceeding the plaintiff's claim and costs, to the sheriff having in his hands the order of attachment, or into the court; and to that extent he shall be discharged from liability to the defendant. He shall not be subjected to costs beyond those caused by his resistance of the claim against him; and, if he disclose the property of the defendant in his hands, or the true sum owing by him, and deliver or pay the same to the sheriff, or according to the order of the court, he shall be allowed his costs.

Section 34. KRS 425.521 is created to read as follows:

If a garnishee, or officer of a corporation summoned as a garnishee, appear in person, he may be examined on oath; and, if it be discovered on such examination that, at the service of the order of attachment upon him, he or the corporation was possessed of any property of the defendant, or was indebted to him, the court may order the delivery of such property, and the payment, or security for the payment, of the sum owing by the garnishee, into court, or to such person as it may direct—ho shall give bond, with security, for the same; or the court may permit the garnishee to retain the property or the sum owing upon the execution of a bond with one or more sufficient sureties, to the effect that the sum shall be paid, or the property be forthcoming, as the court may direct. Performance of such bonds, for the forthcoming of property, may be enforced, as in cases of contempt; upon such bonds for payment of money, execution may be issued as upon replevin bonds.

Section 35. KRS 425.526 is created to read as follows:

If a garnishee fails to make a disclosure satisfactory to the plaintiff, the latter may bring an action against him, by petition or amended petition, in the same manner, and the proceedings therein shall be the same as in other actions; and the plaintiff may procure an order of attachment in the same manner, and the proceedings thereupon shall be the same, as is hereinbefore and hereinafter authorized concerning attachments except that the plaintiff's affidavit shall state, in addition to the facts required to be stated in KRS 425.195, the sum which the defendant owes to the plaintiff's debtor; and the plaintiff shall not be entitled to attach for or recover more than that sum and costs nor more than the amount of the plaintiff's claim against his debtor and costs.

Section 36. KRS 426.040 is amended to read as follows:

*(1) An execution against property by the levying officer shall be returnable to the court in which the action is pending within 30 days after levy but in no event more than 60 days after the execution is issued* [(1) An execution against property shall be returnable on some rule day of the court, not under thirty nor over seventy days from its issuance, and] each court shall by an order of record appoint a monthly return day of executions.

(2) If an execution against property is satisfied the officer shall return thereon, in substance, "satisfied," unless it be by the sale of property in which case this fact must be stated. If satisfied in part, he must state what part and why the residue was not satisfied. If levied and no sale was made for want of bidders, or if no property has been found, he must state the facts.

Section 37. KRS 426.260 is amended to read as follows:

(1) The purchaser of land sold under execution and not redeemed, after obtaining a conveyance therefor may, upon ten days' notice in writing to the defendant in the execution, whose lands have been sold, enter a motion on the docket in the circuit court of the county where the land is situated for a judgment for the possession of the land. If, upon the hearing of the motion, the court is of the opinion that the purchaser is

entitled to the possession, it shall render a judgment accordingly and award [the writ of] possession, with costs. The proceedings on the motion shall be as provided in KRS 418.005 to 418.015, and Rule 6.03 of the Rules of Civil Procedure.

(2) The notice referred to in subsection (1) of this section shall be in substance as follows:

"A B to C D, notice:

"You are hereby notified that I will, on the .... day of ...., 19.., enter a motion on the docket of the .... circuit court for a judgment for the possession of certain lands situated in .... county, Kentucky, which lands are described as follows, viz.: (description), being the same lands bought by me at a sale duly held under execution which issued from the office of the clerk of .... court in favor of ...., plaintiff, vs ...., defendant. (See execution book ...., execution No. ....) ...., A B."

Section 38. KRS 426.295 is amended to read as follows:

In an action for the possession of specific personal property, the plaintiff may have judgment for its delivery, if it can be had; and, if not, for its value and for damages for its detention. If the property have been delivered to the plaintiff, and the defendant claim a return thereof, judgment for the defendant may be for the return of the property, or its value if a return can not be had, and damages for the taking and withholding of the property. *There shall be no pre-judgment attachment of specific personal property except under the provisions of KRS Chapter 425.*

Section 39. KRS 426.381 is amended to read as follows:

(1) After an execution of fieri facias, directed to the county in which the judgment was rendered, or to the county of the defendant's residence, is returned by the proper officer, either as to the whole or part thereof, in substance, no property found to satisfy the same, the plaintiff in the execution may by an amended and supplemental petition filed in the action have the same redocketed and join with the execution defendant or defendants any person believed to be indebted to him or them, or to hold money or other property in which he or they have an interest, or to hold evidences or securities for the same. Upon the filing of such amended petition the case shall be transferred to the equity docket and summons issued thereon. In such supplemental proceeding or in a separate suit in equity against such parties (at his option) the plaintiff may have discovery and disclosure from the judgment creditor and his debtor or bailee, and may have any property discovered, or a sufficiency thereof, subjected to the satisfaction of the judgment.

(2) In such action the plaintiff may have an attachment against the property of the defendant in the execution, *pursuant to the attachment procedures provided for in KRS Chapter 425* [similar to the general attachments provided for in KRS 425.185 to 425.520, without either the affidavit or bond therein required].

Section 40. KRS 426.384 is amended to read as follows:

The court shall enforce the surrender of the money or securities therefore, or of any other property of the defendant in the execution, which may be discovered in the action; and *the court may use its contempt power in enforcing surrender of the property* [for this purpose may commit to jail any defendant or garnishee failing or refusing to make such surrender, until it shall be done or until the court be satisfied that it is out of his power to do so].

Section 41. KRS 426.450 is amended to read as follows:

(1) Any person against whom a judgment for money is rendered, except as provided in KRS 426.470, may, if an execution thereon has not been placed in the hands of a collecting officer, replevy the judgment for three months before the circuit court clerk or the judge of the inferior court entering the judgment, by giving bond with good surety to be approved by the officer.

[(2) Any person against whom a judgment imposing a fine has been entered, or any person confined in jail for the nonpayment of a fine, may replevy the fine for three months before the circuit court clerk or the judge of the inferior court entering the judgment, by giving bond with good surety to be approved by the officer taking the bond. If the bond is not paid at maturity the court in which the judgment imposing the fine was entered may issue a capias pro fine against the principal or may enforce the judgment by execution on the replevin bond against the surety for satisfaction of the bond, interest and costs, or any part thereof remaining unpaid.]

*(2)* [3)] The bond, varied to suit the particular case, may be in substance as follows: "This day the defendant AB, together with CD, his surety come before the Clerk of the .... Court, or before the presiding quarterly, city or police judge or justice of the peace of .... County, and undertake that they will satisfy and pay EF or the Commonwealth of Kentucky, the judgment, including interest, if any, and costs amounting to $ ...., rendered against AB, by this Court, within three months with legal interest on the whole amount thereof from this date."

Section 42. KRS 426.615 is amended to read as follows:

In an action against a sheriff or other officer for the recovery of property taken under an execution or *rent attachment* [distress warrant] the court may, upon the application of the defendant and of the party in whose favor the execution or *rent attachment* [distress warrant] is issued, permit the latter to be substituted as the defendant, security for the costs being given.

Section 43. KRS 426.670 is amended to read as follows:

The foregoing provisions of KRS *426.640* [426.620] to 426.665 shall apply to proceedings upon executions issued by judges of quarterly courts or by justices of the peace, with these exceptions:

(1) Indemnifying bonds *may* [shall] *be required to be given by or for the plaintiff, with one or more sufficient sureties, to be approved by the executing officer, to the effect that the obligors therein will indemnify him against the damages which he may sustain in consequence of the seizure of sale of the property; and will pay to any claimant thereof the damages he may sustain in consequence of the seizure or sale; and will warrant to any purchaser of the property such estate or interest therein as is sold; and, thereupon, the officer shall proceed to subject the property to the execution; provided, however, that the bond shall not exceed the amount of the judgment* [be returned with the executions under which they are taken];

(2) Claimants' bonds shall be returned to any justice of the peace of the county, and motion thereon may be made before him, on five days' notice. He shall cause a jury to be impaneled to find whether the property is subject to the execution, subject to an appeal if the value of the property exceed ten dollars.

Section 44. KRS 426.675 is amended to read as follows:

Trials by juries summoned by sheriffs or other officers, of the right of property taken by them under execution or *rent attachment* [distress warrant], are abolished.

Section 45. KRS 425.005, 425.010, 425.015, 425.020, 425.025, 425.026, 425.030, 425.035, 425.040, 425.045, 425.050, 425.055, 425.060, 425.065, 425.070, 425.075, 425.080, 425.085, 425.090, 425.095, 425.100, 425.105, 425.110, 425.115, 425.120, 425.125, 425.130, 425.135, 425.140, 425.145, 425.150, 425.155, 425.160, 425.165, 425.170, 425.175, 425.180, 425.185, 425.190, 425.195, 425.200, 425.205, 425.210, 425.211, 425.215, 425.220, 425.225, 425.230, 425.235, 425.240, 425.245, 425.250, 425.255, 425.260, 425.265, 425.270, 425.275, 425.280, 425.285, 425.290, 425.295, 425.300, 425.305, 425.310, 425.315, 425.320, 425.325, 425.330, 425.335, 425.340, 425.345, 425.346, 425.350, 425.355, 425.360, 425.365, 425.370, 425.375, 425.380, 425.385, 425.390, 425.395, 425.400, 425.405, 425.410, 425.415, 425.420, 425.425, 425.430, 425.435, 425.440, 425.445, 425.450, 425.455, 425.460, 425.465, 425.470, 425.475, 425.480, 425.485, 425.490, 425.495, 425.500, 425.505, 425.510, 425.515, and 425.520 are repealed.

Section 46. KRS 426.390, 426.400, 426.410, 426.620, 426.625, 426.630, 426.635 are repealed.

The Committee Amendment to **SB 23** is as follows:

Amend printed copy of Senate Bill 23 page 3, line 24, after the word "or" insert the following: ", if after diligent search the defendant cannot be found,";

and on page 3, line 25, by inserting before the word "mail" the following: "certified";

and on page 3, line 25, by inserting after the word "mail" the following: "return receipt requested,";

and on page 3, line 25, by inserting after the period the following: "If personal service is not made, the person who attempted service on the defendant shall verify by affidavit filed with the court that a diligent search for the defendant was made and shall describe in the affidavit his efforts to serve the defendant.";

and on page 5, lines 6 through 16 by deleting all said lines and by inserting in lieu thereof the following: "The judicial officer shall conduct a hearing at which each party shall be provided the opportunity to present witnesses on his behalf and to cross-examine adverse witnesses. The parties shall have the right to compel the attendance of witnesses by subpoena and to be represented at the hearing by counsel. The judicial officer shall make his determination upon the evidence adduced at the hearing."

**SB 25,** AN ACT relating to landlord and tenant.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 383.010 is amended to read as follows:

(1) Rent may be recovered by [distress,] attachment or action, and shall bear six percent interest per annum from the time it is due.

(2) If the owner or holder alienates or assigns his estate, term or the rent thereafter to fall due thereon, the alienee or assignee may recover the rent that falls due thereafter.

(3) The personal representative of a person to whom any rent was due and unpaid at the time of his death shall have the same remedy by action [or by distress,] for the recovery of the arrears of such rent, that the decedent would have had if living.

(4) A person entitled to rents depending upon the life of another may, notwithstanding the death of the latter, have the same remedy, by action [or distress,] for the rents in arrears, as he might have had if such person were living.

(5) Rent may be recovered from the lessee or other person owing it, or his assignee or undertenant, or the representative of either by any of the remedies given in this chapter. But, the assignee or subtenant shall be liable only for the rent accrued after his interest began.

(6) The same remedies to recover arrearages of rent due on a lease for life or lives shall be allowed as if the lease were for years.

Section 2. KRS 383.020 is amended to read as follows:

(1) *An* [A distress warrant or] attachment for rent shall bind, and may be levied upon, any personal property of the original tenant found in the county, and the personal property of the assignee or undertenant found on the leased premises. If the tenant has removed his property to another county, the [distress or] attachment may be directed to that county.

(2) If property is [distrained for any rent not due, or] attached for any rent not due or accruing, or taken under any attachment sued out without good cause, the owner of the property may, in an action against the party suing out the [warrant of distress or the] attachment, recover double damages for the wrongful seizure, and if the property is sold, for double the value thereof.

(3) Any person who wrongfully takes or removes property [distrained or] attached for rent, from any person having the legal custody of it, shall be liable to the person aggrieved for treble damages, with costs. If the property *attached* [distrained,] after the wrongful taking or removal, comes to the possession of the owner by his wrongful procurement, he shall in like manner be liable to the person aggrieved.

Section 3. KRS 383.031 is created to read as follows:

(1) If any person is liable for rent due, whether payable in money or some other thing, the person to whom the rent is owing may petition the court for a rent attachment of the personal property of the person liable for the rent.

(2) The petition shall allege:
(a) the existence of a landlord-tenant relationship;
(b) the amount of the rent due and owing;
(c) the period of time covered by the alleged unpaid rent; and
(d) the prior demand for payment.

(3) Issuance of the attachment or writ of possession and repossession shall be subject to, where applicable, the proceedings prescribed by KRS Chapter 425 and the Rules of Civil Procedure.

(4) This section shall be limited to rent due and owing for a one (1) year period prior to the filing of the petition. KRS 383.030, 383.040, 383.050, 383.060, 383.061, 383.062, 383.063, 383.064, 383.065, 383.066, 383.067, and 383.068 are repealed.

**SB 70,** AN ACT relating to bail bondsmen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 440.270 is amended to read as follows:

*(1)* Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under KRS 440.210, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising

under KRS 440.210, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the circuit judge, the judge of the county court or the police judge of a city in the county in which he was arrested who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

*(2) No bail bondsman or his agent shall arrest, detain, imprison, or remove from the state any person for having broken the terms of his bail unless a warrant for that person's arrest has been issued as provided for in subsection (1) of this section.*

*(3) Any violation of subsection (2) of this section shall be deemed as a Class D Felony and punishable thereas.*

The Committee on Rules reported **HB 81** with Committee Substitute and Committee Amendment attached thereto, **HB 108, HB 234, HB 366** with Committee Amendment attached thereto, **HB 587, HB 623** with Committee Amendment attached thereto, **HB 637, HB 672, HB 753, HB 813, HJR 60, HJR 61, HJR 71, SB 50, SB 84,** SB 121, **SB 139, SB 144, SB 151** and **SJR 11** have been posted for passage in Orders of the Day, March 11, 1976.

The Committee on Rules reported the following Bills and Resolutions have been recommitted: **HB 244, HB 376, HB 504, HB 708** to the Committee on Appropriations and Revenue; **HB 591** to the Committee on Judiciary-Statutes; **HB 119, HB 429, HB 525, HB 536, HB 542, HB 613, HB 636,** and **HCR 67** to the Committee on State Government.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Business Organizations and Professions: **HB 848, SB 184, SB 362.**

Judiciary-Statutes: **HB 646.**

State Government: **SB 337.**

## Calendar

**HB 175** with Committee Amendment attached thereto, **HB 459** with Committee Amendment attached thereto, **HB 602** with Committee Amendment attached thereto, **SB 211, HB 413, HB 460** with Committee Amendment attached thereto, **HB 721, HB 752, SB 112** with Committee Amendment attached thereto, **SB 169, SB 191, HB 51** with Committee Substitute attached thereto, **HB 268** with Committee Amendment attached thereto, **HB 395** with Committee Amendment attached thereto, **HB 688, HB 798, HB 802, HB 806, HB 808, HB 809, HB 812, HR 84, HB 745,** HB 816, **HB 818, SB 78, SB 89** with Committee Amendment attached thereto, **HB 709, SB 276, HB 292, HB 771** with Committee Amendment attached thereto, **HB 778, HR 55** with Committee Amendment attached thereto, **SB 96, HB 348, HB 645, HB 759, HB 761, HB 783, HB 799, SB 259, SB 329, HB 651** with Committee Substitute and Committee Amendment attached thereto, **HB 719** with Committee Amendments attached thereto, **HB 738, HB 741, HB 754, HR 87, HB 787** with Committee Amendments attached thereto, **HB 772, HB 561, HB 720, HB 756, HB 763, HB 638, HB 740, HB 595, HB 842, HB 246** with Committee Amendment attached thereto, **HJR 50, HB 838, HJR 73, HR 100, HB 805** with Committee Amendment attached thereto, **HB 807** with Committee Amendment attached thereto, **HB 433, HB 435, HB 762, HB 765, SB 161** with Committee Amendment attached thereto, **HB 322** with Committee Amendment attached thereto, **HB 570** with Committee Substitute attached thereto, **HB 796** with Committee Amendment attached thereto, **HB 760,** and **HB 774** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Representative Hughes moved that the rules be suspended for the purpose of introducing, reporting and acting on a Resolution. Agreed.

Representative Hughes moved that a call of the roll be taken for co-sponsors of **HR 106.** Agreed.

The following members voted to co-sponsor **HR 106:** Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright.

Representative Hughes moved the adoption of the following **HR 106:**

**HR 106,** by Representative Hughes: A RESOLUTION in memory of the men who lost their lives in Scotia Mine No. 1 on March 9, 1976.

**HR 106,** A RESOLUTION in memory of the men who lost their lives in Scotia Mine No. 1 on March 9, 1976.

WHEREAS, fifteen men lost their lives mining coal for the people of this country on March 9, 1976; and

WHEREAS, this work and devotion as family men and providers have greatly benefited their immediate families, as well as the citizens of this Commonwealth and the nation; and

WHEREAS, persons who knew these men and those who did not know them, profited from their service and will miss them in this life;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the General Assembly adjourns this day, Wednesday, March 10, 1976, it does so in honor and memory of the men who lost their lives in Scotia Coal Company's Mine No. 1 on March 9, 1976.

Section 2. That the Clerk of the House be, and hereby is, directed to send copies of this resolution to the families of these men.

**HR 106** was adopted by voice vote.

### Orders of the Day

Representative B. Richardson moved that the rules be suspended for the purpose of waiving the time limit requirement for all Bills and Resolutions posted for Committee consideration on March 10, 1976 and March 11, 1976. Agreed.

**HB 437** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Romines moved the adoption of the following Floor Amendment No. 1 to **HB 437:**

Amend printed copy of House Bill 437 page 8, line 11, after "ment" delete "rather than" and add "and" in the stead of "rather than".

Agreed.

Representative Denham moved the adoption of the following Floor Amendment No. 2 to **HB 437:**

Amend printed copy of House Bill 437 by substituting the word "bureau" for the word "commission" in the title of the bill;

and by substituting the word "bureau" for the word "commission" at page 1, line 14;

and by substituting the word "bureau" for the word "commission" at page 2, lines 4 and 8;

and by substituting the word "bureau" for the word "commission" at page 3, lines 6, 9, 12, and 22;

and by substituting the word "bureau" for the word "commission" at page 4, lines 2, 6, 11, 12, 22, 25, and 26;

and by substituting the word "bureau" for the word "commission" at page 5, lines 4, 6, 8, 11, 13, 15, 18, and 23;

and by substituting the word "bureau" for the word "commission" at page 6, lines 1, 5, 16, and 20;

and by substituting the word "bureau" for the word "commission" at page 7, lines 6 and 26;

and by substituting the word "bureau" for the word "commission" at page 8, lines 7, 14, and 22;

and by substituting the word "bureau" for the word "commission" at page 9, lines 5 and 12;

and by substituting the words "executive director" for the word "commission" at page 2, line 9, and by deleting the words "consist of five (5) persons" at page 2, lines 9 and 10, and by adding the word "be" after the word "shall" at page 2, line 9;

and by deleting the "." after the word "cabinet" at page 2, line 11 and adding "to whom he shall be directly responsible.";

and by deleting the word "At" at page 2, line 11, and by deleting all of lines 12 through 26 at page 2;

and by deleting lines 1 through 5 at page 3;

and by deleting all of lines 16 through 21 at page 4;

and by renumbering section numbers "(4), (5), and (6)" at page 3, lines 6 and 15 and at page 4, line 6, to sections "(3), (4), and (5)";

and by renumbering section numbers "(8) through (20)" beginning at page 4, line 22 and ending with page 8, line 22, to numbers "(6) through (18)";

and by deleting the word "and" after the word "evaluation" and by deleting the word "and" after the word "training" at page 8, line 9, and by adding "," after the word "evaluation" at page 8, line 9, and by adding ", employment," after the word "training" at page 8, line 9;

and by deleting the brackets at page 10, lines 1 and 5, and by reinserting the brackets before the word "vending" at page 10, line 2, and after the word "other" at page 10, line 3.

Agreed.

Representative Romines moved the adoption of the following Floor Amendment No. 3 to **HB 437:**

Amend printed copy of House Bill 437 page 8, line 12, after . add "Those visually handicapped persons already employed within the scope of regular employees of Kentucky Industries for the blind shall be retained in their present positions."

Rejected.

Representative Denham moved that **HB 437,** as amended, be passed.

On the roll call the vote was yeas 56-B. Adams, A. S. Adams, J. Allen, W. Allen, Beshear, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, DeMarcus, Denham, Dietz, Doss, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Holbrook, Hopkins, Hurst, Isler, Jones, Kleier, LeMaster, Lindsay, Mason, May, McBee, McBride, McGill, Morgan, Morris, Pearl, Rattliff, Richards, P. Richardson, Robinson, Sale, Siemens, Siler, Stephens, Stewart, R. Turner, Vincent, Wells, Wooden. Nays 25-Ackerson, Arnold, Bendl, Bennett, Benson, Bevins, Craddock, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Freeman, Guenthner, Holloway, Hughes, Kenton, Little, Nett, O'Brien, Tobin, J. Turner, White, Wible, Yates.

**HB 437,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 437,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 518** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 518** be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden. Nays 2-Fitzgerald, Mann.

**HB 518** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 518** was passed by reconsidered and said motion be postponed indefinitely. Agreed.

**HB 699** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, Morgan, Morris, Muncy, Nett, O'Brien, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-Burnette, Richards.

**HB 699** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 699** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 207,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Boatwright moved the adoption of the Committee Amendment to **HB 207.** Agreed.

Representative Hancock moved the adoption of the following Floor Amendment No. 2 to **HB 207:**

Amend printed copy of House Bill 207 page 12, line 16, by placing a bracket, " [", before the word "except";

and, on page 12, line 17, by placing a bracket, "]", after "27" and before the period;

and, on page 12, line 19, by placing a bracket, " [", before the word "and";

and, on page 12, line 20, by placing a bracket, "]", after "27" and before the period;

and, on page 28, line 5, by placing brackets, " [ ]", around "7," and by inserting, after "12," the number "*13,*";

and, on page 29, line 8, by adding "7," after "6,";

and, page 29, line 9, by placing brackets, " [ ]", around the number "13".

Agreed.

Representative Sale moved the adoption of the following Floor Amendment No. 1 to **HB 207:**

Amend printed copy of House Bill 207 page 11, line 16, by placing brackets, " [ ]", around "9,".

Agreed.

Representative Boatwright moved that **HB 207,** as amended, be passed.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-Hardwick, Schmidt.

**HB 207,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 207,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 465** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **HB 465** be passed.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 465** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 465** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 705** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bevins moved the adoption of the following Floor Amendment No. 1 to **HB 705:**

Amend printed copy of House Bill 705 page 1, line 12 delete the word ["and"] and insert in lieu thereof a ;

and on page 1, line 13 following the first two words "grade classes" insert the words "*and the handicapped,*" so that as amended the sentence will read as follows: Except for children attending kindergarten, readiness classes, first grade classes *and the handicapped,* who may attend a program of less than six (6) hours per day under policy adopted by the local school district board of education and approved by the state board of education, six

Agreed.

Representative Bevins moved that **HB 705,** as amended, be passed.

On the roll call the vote was yeas 90-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 705,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 705,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 706** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved that **HB 706** be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Clapp, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Isler, Kenton, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richarson, Romines, Sale, Siemens, Stephens, Tobin, J. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 12-W. Allen, Blythe, Burnette, Clarke, DeMarcus, Freeman, Hardwick, Head, Lindsay, Robinson, Siler, R. Turner.

**HB 706** was passed and the title agreed to.

Representative B. Richardson moved that the vote by **HB 706** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 640** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 7-W. Allen, DeMarcus, Hopkins, Hurst, Lindsay, Morgan, R. Turner.

**HB 640** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 640** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 643,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 2 to **HB 643.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **HB 643.** Agreed.

Representative B. Richardson moved that **HB 643,** as amended, be passed.

On the roll call the vote was yeas 73-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, King, Kleier, LeMaster, Mann, Mason, May, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 9-A. S. Adams, W. Allen, Beshear, Crupper, Denham, Doss, Lindsay, Rattliff, R. Turner.

**HB 643,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 643,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 652** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 45-Ackerson, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blume, Blythe, Clapp, Clarke, Dawahare, DeFalaise, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Hardwick, Hopkins, Hughes, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Richards, B. Richardson, Romines, Siemens, Stephens, Thomas, Vincent, Wells, Wooden. Nays 38-W. Allen, Bevins, Blair, Boatwright, Brinkley, Brown, Burnette, Carpenter, Craddock, Crupper, Cyrus, DeMarcus, Denham, Deskins, Freeman, Gray, Head, Holbrook, Holloway, Hurst, Jones, Little, May, McBride, Overstreet, Pearl, Priddy, Rattliff, P. Richardson, Robinson, Schmidt, Stewart, Tobin, J. Turner, R. Turner, Wible, Wright, Yates.

**HB 652** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 652** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 20,** as amended by way of Committee Substitute and Floor Amendment No. 4 to the Committee Substitute, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Donnermeyer moved that **HB 20,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 45-Ackerson, B. Adams, Arnold, Bendl, Bennett, Beshear, Bevins, Blume, Blythe, Brinkley, Clapp, Craddock, DeFalaise, Donnermeyer, Dunn, Givhan, Hancock, Holbrook, Hopkins, Isler, Jones, King, LeMaster, Lindsay, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Priddy, Richards, Romines, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wible, Wooden, Yates. Nays 42-A. S. Adams, J. Allen, W. Allen, Blair, Blandford, Boatwright, Brown, Burnette, Carpenter, Cooper, Crupper, Cyrus, Dawahare, Denham, Deskins, Doss, Fitzgerald, Foster, Freeman, Gay, Gray, Guenthner, Hardwick, Head, Holloway, Hughes, Hurst, Kenton, Little, May, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, P. Richardson, Robinson, Siler, R. Turner, White, Wright.

**HB 20,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 20,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 24, HB 36, HB 70, HB 71, HB 145, HB 261, HB 343, HB 370, HB 408, HB 411, HB 544, HB 627** and **HCR 42** had been examined and found correctly enrolled. **HB 24, HB 36, HB 70, HB 71, HB 145, HB 261, HB 343, HB 370, HB 408, HB 411, HB 544, HB 627,** and **HCR 42** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 24, HB 36, HB 70, HB 71, HB 145, HB 261, HB 343, HB 370, HB 408,** HB 411, **HB 544, HB 627,** and **HCR 42** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Orders of the Day (continued)

**HB 696,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **HB 696.** Agreed.

Representative B. Richardson moved that **HB 696,** as amended, be passed.

On the roll call the vote was yeas 72-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Clarke, Cooper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Pearl, Priddy, Richards, B. Richardson, Robinson, Romines, Siemens, Siler, Stephens, Stewart, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 2-DeMarcus, Tobin.

**HB 696,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 696,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 700** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 700** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 700** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

Speaker Pro Tempore Clapp, presiding.

**HB 712** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Kleier, LeMaster, Lindsay, Little, Mann, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 712** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 712** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 648** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dunn moved that **HB 648** be passed.

On the roll call the vote was yeas 67-Ackerson, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Burnette, Clarke, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 10-A. S. Adams, W. Allen, Cooper, Craddock, DeFalaise, DeMarcus, Denham, Guenthner, Pearl, Schmidt.

**HB 648** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 648** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 681** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that **HB 681** be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 681** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 681** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 750** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **HB 750** be passed.

On the roll call the vote was yeas 55-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Brown, Carpenter, Clarke, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Head, Hopkins, Hughes, Isler, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Muncy, O'Brien, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Yates. Nays 15-A. S. Adams, W. Allen, Boatwright, Burnette, Cooper, DeFalaise, Denham, Foster, Hancock, Holbrook, Holloway, Morgan, Nett, P. Richardson, Wright.

**HB 750** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 750** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 758**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **HB 758.** Agreed.

Representative O'Brien moved the adoption of the following Floor Amendment No. 2 to **HB 758:**

Amend printed copy of House Bill 758 page 18, line 19, delete thirty dollars ($30.00) removed the brackets before ten dollars and on line 20 remove the brackets after $10.00.

On the roll call the vote was yeas 13-Ackerson, Clarke, DeFalaise, Deskins, Holbrook, Holloway, Hopkins, Hughes, King, Nett, O'Brien, Overstreet, Romines. Nays 55-B. Adams, J. Allen, W. Allen, Arnold, Benson, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Crupper, Cyrus, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Hancock, Hardwick, Head, Hurst, Imes, Isler, Jones, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Schmidt, Siemens, Siler, Stephens, Stewart, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Yates.

The Floor Amendment No. 2 to **HB 758** was rejected.

Representative B. Richardson moved that **HB 758,** as amended, be passed.

On the roll call the vote was yeas 51-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Benson, Bevins, Blandford, Blume, Boatwright, Brinkley, Burnette, Carpenter, Cyrus, Deskins, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Holbrook, Imes, Isler, Jones, Kleier, LeMaster, Little, Mann, Mason, May, McBride, McGill, Morgan, Overstreet, Pearl, Priddy, Richards, B. Richardson, Romines, Siemens, Stephens, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 28-A. S. Adams, Bennett, Beshear, Blair, Brown, Clarke, Cooper, Craddock, Crupper, DeMarcus, Denham, Dietz, Dunn, Holloway, Hopkins, Hurst, King, Lindsay, Muncy, Nett, O'Brien, P. Richardson, Robinson, Schmidt, Siler, Tobin, J. Turner, White.

**HB 758,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 758,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 755** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Robinson moved that **HB 755** be passed.

On the roll call the vote was yeas 87-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siler, Stephens, Stewart, Tobin, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 755** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 755** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 4,** with Committee Substitutes and Committee Amendments to the Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Second Committee Substitute for **HB 4.** Agreed.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to the Second Committee Substitute for **HB 4:**

Amend printed copy of Second Committee Substitute for House Bill 4 page 56, line 20 after the word "person" and before the word "engaged", add the words "owning or";

and on line 21 after the word "or" and before the word "in" add the words "owning or engaged";

and on line 22 after the word "substances", add a comma ",";

and on line 23 delete the word "March" and insert in its place the word "February";

and on page 57, delete entire lines 20, 21, 22 and 23;

and on line 24 delete the number subsection "(4)" and insert in its place subsection number "(3)";

and on line 26 after the word "administrator" delete the words "for placement" and insert instead the words "who shall place the valuation";

and on page 58, line 1 after the word "rolls" and before the period, insert the words, "and give notice to the property owner as provided in KRS 132.450";

and on line 2 delete the subsection number "(5)" and in its place insert the subsection number "(4)";

and on line 5 delete the subsection number "(6)" and in its place insert the subsection number "(5)".

Agreed.

Representative Clarke moved the adoption of the following Floor Amendment No. 2 to the Second Committee Substitute for **HB 4:**

Amend printed copy of Second Committee Substitute to House Bill 4 page 48, line 8, by adding after line 8 the following:

"(c) Such amounts may be included only for those who are not in sole and principal charge of a class. No district may receive foundation program funds for such number of para-professionals and teacher aides referred to in paragraph (b) of this subsection as exceeds one-half the number of certified teachers in the designated school or schools."

Agreed.

Representative Clarke moved that **HB 4,** by way of Second Committee Substitute as amended, be passed.

On the roll call the vote was yeas 69-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeMarcus, Deskins, Donnermeyer, Doss, Dunn, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Imes, Isler, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, R. Turner, Vincent, Wells, Wible, Wooden. Nays 11-W. Allen, Bevins, Crupper, DeFalaise, Fitzgerald, Hopkins, Hughes, Jones, Lindsay, Wright, Yates.

**HB 4,** by way of Second Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 4,** by way of Second Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 716,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved the adoption of the Committee Substitute for **HB 716.** Agreed.

Representative Isler moved that **HB 716,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 70-Ackerson, B. Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Holloway, Hughes, Isler, Jones, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, P. Richardson, Romines, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 10-A. S. Adams, Bevins, Burnette, Doss, Freeman, Head, Hopkins, Imes, B. Richardson, Stephens.

**HB 716,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 716,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 107** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved the adoption of the following Floor Amendment No. 2 to **HB 107:**

Amend printed copy of House Bill 107 page 2, lines 23 and 24, by deleting "*coal worker's pneumoconiosis or silicosis*" and inserting in lieu thereof "*occupational diseases*";

and on page 5, line 4, after the word "*cases*" by inserting the words "*of exposure to carcinogenic substances*".

Agreed.

Representative McGill moved that **HB 107,** as amended, be passed.

On the roll call the vote was yeas 51-Ackerson, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Boatwright, Brinkley, Clarke, Cooper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Givhan, Gray, Isler, King, Kleier, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Priddy, B. Richardson, Romines, Siemens, Siler, Stewart, Tobin, Vincent, Wells, Wible, Wright, Yates. Nays 33-B. Adams, W. Allen, Arnold, Bevins, Blair, Blythe, Burnette, Carpenter, Craddock, Crupper, DeFalaise, DeMarcus, Denham, Foster, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Jones, Morris, Pearl, Rattliff, Richards, P. Richardson, Robinson, Schmidt, Stephens, Thomas, R. Turner.

**HB 107,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 107,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 191** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **HB 191** be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 191** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 191** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 194,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hughes moved the adoption of the Committee Amendment No. 1 to **HB 194.** Agreed.

Representative Hughes moved the adoption of the Committee Amendment No. 2 to Hb 194. Agreed.

Representative Hughes moved the adoption of the following Floor Amendment No. 1 to **HB 194.**

Amend printed copy of House Bill 194 page 1, line 5, by deleting the words "may be able to" and substituting in lieu thereof the words "is required to dispense the lowest priced";

and on page 1, line 6, by deleting the words "select a less expensive";

and on page 1, line 7, by inserting after the word "prescribed" the words "for you";

and on page 1, line 8, by inserting after the word "you" the words "or your doctor".

Agreed.

Representative Hughes moved that **HB 194,** as amended, be passed.

Representative Stephens moved that the vote on the Committee Amendment No. 2 to **HB 194** be reconsidered.

Representative Denham moved that **HB 194,** as amended, be laid on the table.

On the roll call the vote was yeas 35-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bevins, Blair, Brown, Clarke, Cooper, Craddock, Crupper, Dawahare, DeFalaise, Denham, Doss, Foster, Hancock, Head, Holbrook, Hopkins, Imes, Jones, Lindsay, Little, McBride, Morris, Nett, Pearl, Schmidt, Siler, Tobin, R. Turner, White, Wible. Nays 42-Ackerson, Bennett, Benson, Blandford, Blume, Boatwright, Brinkley, Burnette, Clapp, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Gay, Gray, Guenthner, Hardwick, Hughes, Hurst, Isler, King, Kleier, LeMaster, Mann, McBee, McGill, Morgan, O'Brien, Overstreet, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Siemens, Thomas, Vincent, Wells, Wooden, Wright, Yates.

The motion that **HB 194,** as amended, be laid on the table was rejected.

On the roll call the vote was yeas 42-B. Adams, A. S. Adams, J. Allen, Arnold, Beshear, Bevins, Blair, Blythe, Brown, Carpenter, Clarke, Cooper, Craddock, Crupper, Dawahare, DeFalaise, Denham, Doss, Fitzgerald, Foster, Hancock, Head, Holbrook, Hopkins, Imes, Jones, LeMaster, Lindsay, Little, Mason, McBride, Muncy, Pearl, Rattliff, Richards, Robinson, Schmidt, Stephens, Tobin, R. Turner, White, Wible. Nays 43-Ackerson, Bendl, Bennett, Benson, Blandford, Blume, Boatwright, Brinkley, Burnette, Clapp, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Hughes, Hurst, Isler, King, Kleier, Mann, May, McBee, Morgan, Morris, O'Brien, Overstreet, Priddy, B. Richardson, Romines, Siemens, Thomas, Vincent, Wells, Wooden, Wright, Yates.

The motion that the vote on the Committee Amendment No. 2 to **HB 194** be reconsidered was rejected.

On the roll call the vote was yeas 42-Ackerson, Bendl, Bennett, Benson, Blume, Blythe, Boatwright, Brinkley, Clapp, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Freeman, Gray, Hardwick, Hughes, Hurst, Isler, Kenton, King, Kleier, LeMaster, Mann, Mason, McGill, Morgan, O'Brien, Overstreet, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, Vincent, Wells, Wooden, Wright, Yates. Nays 47-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Beshear, Bevins, Blair, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Doss, Foster, Gay, Givhan, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Imes, Jones, Lindsay, May, McBee, McBride, Morris, Muncy, Nett, Pearl, Rattliff, Robinson, Schmidt, Stephens, Tobin, R. Turner, White, Wible.

**HB 194,** as amended, was defeated.

The Speaker resumed the Chair.

**HB 463,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved the adoption of the Committee Amendment to **HB 463.** Agreed.

Representative Kleier moved that **HB 463,** as amended, be passed.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, B. Richardson, Robinson, Romines, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wooden, Wright, Yates. Nays 3-Richards, Schmidt, Wible.

**HB 463,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 463,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Denham moved that the vote by which **HB 194,** as amended, was defeated be reconsidered and said motion be postponed indefinitely.

Representative Denham moved that the motion that the vote by which **HB 194,** as amended, was defeated be reconsidered and said motion be postponed indefinitely be withdrawn. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **SB 145, SB 159, SB 181,** and **SB 160** had been examined and found correctly enrolled. **SB 145, SB 159, SB 181,** and **SB 160** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

### Recess

Representative B. Richardson moved that the House recess until 7:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Senate Message

Announcing passage of **SR 43, SB 156, SB 273, SB 363, SB 320, SB 263,** SB 142, **SB 369, SB 359, HB 423, HB 213** by way of Committee Substitute, **SB 249, HB 563, SB 286, HB 432** by way of Committee Substitute, **HB 549** with Amendment, **SB 248,** and **HB 57** with Amendment.

### Orders of the Day (continued)

**HB 565** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 0.

**HB 565** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 565** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 579,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved the adoption of the Committee Substitute for **HB 579.** Agreed.

Representative Blandford moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 579:**

Amend printed copy of Committee Substitute for House Bill 579 page 5 after line 9 by adding the following:

"Section 3. KRS 246.310, 246.320, 246.330, 246.340, 246.350, 246.360, 246.370, 246.380, 246.390, 246.400 and 246.410 are repealed and any fund balance remaining on the effective date of this Act shall lapse to the credit of the General Fund."

Agreed.

Representative B. Richardson moved that **HB 579,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 579,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 579,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 697** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Clapp, Clarke, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Wells, Wible, Wooden, Wright, Yates. Nays 9-Dawahare, Gay, Hardwick, Muncy, Robinson, Siler, Thomas, R. Turner, White.

**HB 697** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 697** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Adams moved that the rules be suspended for the purpose of reporting and acting on a Resolution. Agreed.

Representative B. Adams moved the adoption of the following **HR 97:**

**HR 97,** A RESOLUTION adjourning in memory of W. Arnold James.

WHEREAS, W. Arnold James has departed this earthly life; and

WHEREAS, W. Arnold James served this Commonwealth for many years with high distinction on numerous boards and commissions; and

WHEREAS, this outstanding attorney did practice law for forty-five years in Glasgow, and was a civic and spiritual leader in his community; and

WHEREAS, all Kentuckians are grieved by the loss of this leading citizen of Barren County;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns this day, Tuesday, March 9, 1976, it does so in memory of W. Arnold James.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to the family of W. Arnold James.

**HR 97** was adopted by voice vote.

**HB 590** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved that **HB 590** be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-W. Allen, Pearl.

**HB 590** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 590** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 639** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Clapp, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-W. Allen, Clarke, Holbrook, Overstreet, Schmidt, Tobin.

**HB 639** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 639** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 788** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved that **HB 788** be passed.

On the roll call the vote was yeas 56-B. Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blythe, Boatwright, Brinkley, Burnette, Clapp, Clarke, Craddock, Cyrus, DeMarcus, Deskins, Doss, Dunn, Foster, Gay, Givhan, Gray, Hardwick, Holbrook, Hopkins, Imes, Jones, Kenton, LeMaster, Little, Mason, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Stephens, Stewart, Tobin, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 18-Blandford, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Fitzgerald, Guenthner, Hancock, Holloway, Hughes, Isler, King, Lindsay, McBee, McBride, Morris, P. Richardson.

**HB 788** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 788** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 283** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66-Ackerson, B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blythe, Boatwright, Brown, Burnette, Clapp, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Gray, Hancock, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Mason, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 15-J. Allen, W. Allen, Bennett, Blandford, Brinkley, Deskins, Doss, Fitzgerald, Guenthner, Hardwick, Holloway, Hurst, Lindsay, Little, R. Turner.

**HB 283** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 283** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 539,** as amended by Floor Amendment No. 2, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Siemens moved the adoption of the following Floor Amendment No. 3 to **HB 539:**

Amend printed copy of House Bill 539 page 1, line 3, by inserting after the word "city" and before the word "which" the following: ", located in a county containing a city of the first class,".

Agreed.

Representative Siemens moved that **HB 539,** as amended, be passed.

On the roll call the vote was yeas 69-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gay, Givhan, Gray, Guenthner, Hardwick, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, King, Kleier, LeMaster, Lindsay, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, R. Turner, Wible, Wooden, Wright, Yates. Nays 7-Craddock, Hancock, Mason, Robinson, Siler, Vincent, White.

**HB 539,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 539,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 394,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the Committee Amendment to **HB 394.** Agreed.

Representative Yates moved that **HB 394,** as amended, be passed.

On the roll call the vote was yeas 48-Ackerson, B. Adams, Bendl, Bennett, Benson, Beshear, Blume, Blythe, Brown, Clarke, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Gray, Guenthner, Hancock, Holloway, Isler, Kenton, Kleier, LeMaster, Little, Mason, May, McBee, McBride, McGill, Muncy, Nett, O'Brien, Priddy, Rattliff, Richards, B. Richardson, Romines, Siemens, Siler, Stewart, Tobin, Thomas, White, Wible, Wooden, Yates. Nays 17-W. Allen, Blandford, DeFalaise, DeMarcus, Denham, Fitzgerald, Gay, Hardwick, Holbrook, Hopkins, Hughes, Imes, Morgan, Morris, R. Turner, Vincent, Wright.

**HB 394,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 394,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 497** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78-Ackerson, B. Adams, W. Allen, Bendl, Bennett, Beshear, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 497** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 497** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 576** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wooden moved that **HB 576** be passed.

On the roll call the vote was yeas 85-Ackerson, B. Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 576** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 576** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 589** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **HB 589** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, King, Kleier, LeMaster, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-Lindsay.

**HB 589** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 589** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 663** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 663** be passed.

On the roll call the vote was yeas 76-Ackerson, B. Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-Fitzgerald.

**HB 663** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 663** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 691** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved that **HB 691** be passed.

Representative Lindsay moved that **HB 691** be laid on the Clerk's desk.

On the roll call the vote was yeas 17-J. Allen, Bennett, Beshear, Burnette, Deskins, Gray, Guenthner, Hardwick, Holbrook, Hurst, Imes, Lindsay, Little, Mason, McBee, McBride, Morgan. Nays 53-Ackerson, W. Allen, Bendl, Benson, Blandford, Blume, Blythe, Brinkley, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Hancock, Hopkins, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, May, McGill, Muncy, Nett, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates.

The motion that **HB 691** be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 64-Ackerson, B. Adams, W. Allen, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzerald, Foster, Freeman, Gay, Guenthner, Hancock, Holbrook, Hopkins, Hughes, Isler, Kenton, King, Kleier, LeMaster, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 6-J. Allen, Burnette, Deskins, Gray, Lindsay, Little.

**HB 691** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 691** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 692** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved that **HB 692** be passed.

On the roll call the vote was yeas 73-Ackerson, B. Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 5-J. Allen, Deskins, Fitzgerald, Hancock, Imes.

**HB 692** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 692** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 390** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved that **HB 390** be passed.

Representative Wright moved that **HB 390** be recommitted to the Committee on Cities.

On the roll call the vote was yeas 40-Ackerson, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Gay, Gray, Guenthner, Hardwick, Holloway, Hughes, Imes, Isler, Kleier, McBee, McBride, McGill, Muncy, Nett, O'Brien, Priddy, Romines, Siemens, Siler, R. Turner, Wooden, Wright, Yates. Nays 26-Boatwright, Burnette, Craddock, DeMarcus, Denham, Givhan, Hancock, Head, Holbrook, Hurst, Jones, LeMaster, Lindsay, Mason, May, Morgan, Overstreet, Pearl, Rattliff, Robinson, Sale, Tobin, Thomas, Vincent, White, Wible.

The motion that **HB 390** be recommitted to the Committee on Cities was adopted.

**HB 714** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved that **HB 714** be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kenton, King, Kleier, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Tobin, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 714** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 714** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Stephens moved that the vote by which **HB 194** was defeated be reconsidered.

On the roll call the vote was yeas 60-Ackerson, Arnold, Bendl, Benson, Blandford, Blume, Blythe, Boatwright, Brinkley, Clapp, Clarke, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Gray, Hardwick, Head, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, Little, Mason, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 13-Bevins, Burnette, DeMarcus, Denham, Holbrook, Holloway, Hopkins, Lindsay, May, Nett, Pearl, Schmidt, Tobin.

The motion that the vote by which **HB 194** was defeated be reconsidered was adopted.

**HB 35,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved the adoption of the Committee Amendment No. 3 to **HB 35.** Agreed.

Representative Siemens moved the adoption of the Committee Amendment No. 2 to **HB 35.** Agreed.

Representative Siemens moved that **HB 35,** as amended, be passed.

On the roll call the vote was yeas 60-B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Clarke, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Hopkins, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, Pearl, Richards, B. Richardson, P. Richardson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, White, Wible, Wooden. Nays 12-W. Allen, Burnette, Carpenter, Denham, Guenthner, Holbrook, Holloway, Hughes, O'Brien, Overstreet, R. Turner, Wright.

**HB 35,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 35,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 194,** as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Hancock moved that the House adjourn.

On the roll call the vote was yeas 6-W. Allen, Burnette, Hancock, Hurst, Tobin, Wright. Nays 62-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Hughes, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, McBee, McBride, McGill, Morgan, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden.

The motion to adjourn was rejected.

On the roll call the vote was yeas 57-Ackerson, Arnold, Bendl, Bennett, Benson, Blandford, Blume, Blythe, Boatwright, Brinkley, Clapp, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Gay, Gray, Hardwick, Head, Hughes, Hurst, Imes, Isler, Kenton, King, Kleier, LeMaster, Little, Mason, McBride, McGill, Morgan, Muncy, O'Brien, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 25-B. Adams, W. Allen, Beshear, Bevins, Brown, Burnette, Clarke, DeFalaise, DeMarcus, Denham, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Lindsay, May, Morris, Nett, Overstreet, Pearl, Rattliff, Richards, Schmidt, Tobin.

**HB 194,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by **HB 194,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 715** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members.

Representative DeFalaise moved that **HB 715** be passed.

Representative Bendl moved that consideration of **HB 715** be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 34-Arnold, Bendl, Bennett, Beshear, Brown, Craddock, Cyrus, Denham, Dunn, Foster, Givhan, Gray, Guenthner, Head, Holbrook, Holloway, Imes, LeMaster, Lindsay, Mason, May, McBee, McGill, Morgan, Morris, Nett, Pearl, Priddy, Richards, Robinson, Sale, Tobin, White, Wible. Nays 37-Ackerson, B. Adams, J. Allen, W. Allen, Benson, Blandford, Blume, Blythe, Boatwright, Burnette, Clarke, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Freeman, Gay, Hancock, Hardwick, Hopkins, Hughes, Isler, King, Kleier, Little, McBride, Muncy, O'Brien, Overstreet, Schmidt, Siemens, R. Turner, Wooden.

The motion that consideration of **HB 715** be deferred and that it retain its position in Orders of the Day was rejected.

Representative Gray moved that **HB 715** be laid on the table.

On the roll call the vote was yeas 50-B. Adams, J. Allen, Arnold, Bendl, Bennett, Bevins, Blandford, Brown, Burnette, Carpenter, Craddock, Cyrus, Deskins, Doss, Dunn, Fitzgerald, Foster, Gray, Guenthner, Hancock, Head, Holloway, Hopkins, Hughes, Hurst, Imes, Jones, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, Morgan, Morris, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Sale, Stephens, Tobin, R. Turner, Vincent, Wells, White, Wright, Yates. Nays 28-Ackerson, Benson, Beshear, Blume, Blythe, Boatwright, Brinkley, Clarke, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Hardwick, Holbrook, Isler, King, Kleier, Muncy, Nett, Overstreet, Pearl, Rattliff, Schmidt, Siemens, Siler, Wible, Wooden.

The motion that **HB 715** be laid on the table was adopted.

Hb 733, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearl moved the adoption of the Committee Amendment to **HB 733.** Agreed.

Representative Pearl moved that **HB 733,** as amended, be passed.

On the roll call the vote was yeas 57-Ackerson, J. Allen, Arnold, Bennett, Benson, Beshear, Bevins, Blume, Boatwright, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Foster, Gay, Gray, Guenthner, Hancock, Hardwick, Holloway, Hopkins, Imes, Isler, Jones, King, Kleier, Little, Mason, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, R. Turner, Vincent, Wooden, Wright, Yates. Nays 17-B. Adams, W. Allen, Blandford, Brinkley, DeMarcus, Donnermeyer, Fitzgerald, Holbrook, Hughes, Hurst, Kenton, LeMaster, Lindsay, McBee, Richards, White, Wible.

**HB 733,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 733,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of reporting and acting on a Resolution. Agreed.

Representative B. Richardson moved the adoption of the following **HR 108:**

**HB 108,** by Representatives Kenton, B. Richardson, Donnermeyer, Clapp, and Wells: A RESOLUTION honoring Representative John J. Isler.

**HR 108,** A RESOLUTION honoring Representative John J. Isler.

WHEREAS, the Honorable John J. Isler, Gentleman from Kenton 65, has served continuously as a member of the House of Representatives for over twenty years; and

WHEREAS, in all such time and in every instance he has remained loyal, cooperative, friendly, helpful and a credit to himself, his constituents, the General Assembly and the Commonwealth of Kentucky; and

WHEREAS, John Isler, in his quiet and efficient manner, has weathered the maelstrom of eleven regular sessions and twelve special sessions of this body, ever mindful of the consideration of others, his duties and responsibilities, and the welfare of each of those fortunate enough to have associated with this remarkable gentleman;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Honorable John J. Isler be and he hereby is accorded all the honor, respect, affection and good wishes within the ability of the House of Representatives to bestow.

Section 2. That when the House of Representative does adjourn this day, Wednesday, March 10, 1976, it does so in tribute and esteem for John J. Isler.

On the roll call the vote was yeas 85-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HR 108** was adopted.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

### Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns it do so by voice vote and until 9:45 a.m., Thursday, March 11, 1976. Agreed.

### Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Motions, Petitions and Communciations (continued)

The Speaker announced Governor Julian Carroll will address a Joint Session at 10:00 a.m., Thursday, March 11, 1976.

The following members filed Floor Amendments to Bills and Resolutions: Representative Kleier, No. 1 and Title Amendment No. 2 to **HB 81**; Representative Stephens, No. 1 to **HR 73**; Representative B. Richardson, No. 1 to **HB 842**; Representative Beshear, No. 1 to **HB 806**; Representative Bendl, Nos. 1, 2, 3, 4, 5, and 6 to **HB 390**; Representative Bennett, No. 1 to **HB 706**; Representative B. Richardson, No. 1 to **HB 565**; Representative B. Richardson, No. 1 to **SB 70**; Representative Pearl, No. 1 to **SB 25**; Representative Overstreet, No. 1 to **HB 820**; Representative Pearl, No. 1 to **HB 647**; Representative B. Richardson, No. 2 to **HB 842**, No. 1 to **HB 764**; Representative Hurst, No. 2 to **SB 231**; Representative B. Richardson, No. 1 to **HB 838**.

Representative B. Richardson moved that the rules be suspended for Reference of Bills and Resolutions, Report of Committees, and Posting of Bills and Resolutions for consideration. Agreed.

### Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 286.**

Appropriations and Revenue: **SB 156, SB 320, SB 369, SB 359.**

Counties and Special Districts: **SB 273.**

Education: **SB 363.**

Health and Welfare: **SB 263, SB 249, SB 248.**

Labor and Industry: **SB 142.**

State Government: **SR 43.**

## Report of Committees

The Committee on Business Organizations and Professions reported **SB 184** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 184,** AN ACT relating to sick leave for public school teachers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 161.155 is amended to read as follows:

(1) For the purpose of this section, "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten (10) days' sick leave during each school year, without deduction of salary. Sick leave shall be granted to a teacher if he presents a personal affidavit or a certificate of a physician stating that the teacher, or a member of his immediate family was ill on the day or days absent. The ten (10) days of sick leave herein granted may be taken by a teacher on any ten (10) days of the school year and shall be granted in addition to accumulated sick leave days that have been credited to the teacher under the provisions of subsection (3) of this section.

(3) Days of sick leave not taken by a teacher during any school year shall accumulate without limitation and be credited to that teacher. Accumulated sick leave may be taken in any school year. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section. *Any accumulated sick leave days, not to exceed thirty (30) days, credited to a teacher shall remain so credited in the event he transfers his place of employment from one school district to another within the state.*

(4) Accumulated days of sick leave shall be granted to a teacher, if prior to the opening day of the school year, an affidavit or a certificate of a physician is presented to the district board of education, stating that the teacher is unable to commence his duties on the opening day of the school year, but will be able to assume his duties within a period of time that the board determines to be reasonable.

The Committee on Cities reported **HB 665, HB 822, HR 94, SB 226** with Committee Amendment attached thereto, and **SB 242** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 665,** AN ACT relating to police and firefighters pensions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.861 is amended to read as follows:

(1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty, provided the member has had at least three (3) years of total service, his widow shall receive an annuity equal to one and one-half per cent (1 1/2%) of average salary for each year of total service, credited to the member, *subject to a maximum payment to the widow of fifty percent (50%) and* subject to the following conditions:

(a) The widow had been married to the member at least one (1) year prior to his death;

(b) The widow is at least forty-five (45) years of age, otherwise payment will be deferred until she attains such age, except that if she is or becomes totally disabled before age forty-five (45), or has a minor child or children by the member in her care under age eighteen (18), (including adopted children provided the proceedings for adoption were initiated at least one (1) year prior to death of member) payment of the widow's annuity will begin immediately together with an additional allowance on account of the child or children;

(c) The widow's annuity will terminate in any event when the widow remarries. The annuity of each child or children shall continue until each child attains age eighteen (18).

(2) If the widow has minor children under age of eighteen (18), the annuity to the widow shall be increased one-half (1/2) on account of the first child and one-fourth (1/4) on account of each additional child, subject to a maximum combined payment to the widow and children of *seventy five percent (75%)* [fifty percent (50%)] of the *average salary as defined in KRS 95.851(m)* [final rate of salary].

*(3) If the pensioner is not survived by a widow and there are minor children the following benefits shall be paid: (a) one (1) minor child, fifty percent (50%), (b) two (2) minor children, fifteen percent (15%) additional, (c) three (3) or more minor children, ten percent (10%) additional, subject to a maximum combined payment of seventy five percent (75%) of the average salary as defined in KRS 95.851(m). The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly employed in full-time educational activities the age of twenty-three (23). The annuity payments shall be reduced in reverse order.*

*(4)* [(3)] These benefits shall also be payable upon death of the member while on retirement, provided marriage was in effect for at least one (1) year before retirement.

*(5)* [(4)] Benefits payable under this section shall be reduced by any amount paid to the member's survivors for death due to occupational causes, other than from employment with the city, as a result of Workmen's Compensation laws.

Section 2. KRS 67A.450 is amended to read as follows:

(1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty, provided the member has had at least five (5) years of total service, his widow shall receive an annuity equal to one and one-half percent (1 1/2%) of average salary for each year of total service, credited to the member, but not less than fifteen percent (15%) of average salary, subject to the following conditions:

(a) The widow had been married to the member at least six (6) months prior to his death;

(b) The widow's annuity will terminate in any event when the widow remarries. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23).

(2) If the widow has minor children under age eighteen (18), or in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23), the annuity to the widow shall be increased one-half (1/2) on account of the first child and one-fourth (1/4) on account of each additional such child, subject to a maximum combined payment to the widow and children of sixty percent (60%) of the final rate of salary.

*(3) If the pensioner is not survived by a widow and there are minor children the following benefits shall be paid: (a) one (1) minor child, fifty percent (50%), (b) two (2) minor children, fifteen percent (15%) additional, (c) three (3) or more minor children ten percent (10%) additional, subject to a maximum combined payment of seventy five percent (75%) of the average salary as defined in KRS 95.851(m). The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23). The annuity payments shall be reduced in reverse order.*

*(4)* [(3)] These benefits shall also be payable upon death of the member while on retirement, provided marriage was in effect for at least six (6) months before retirement.

**HB 822,** AN ACT relating to city attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 69.480 is amended to read as follows:

The legislative body of each city of the third class, except those operating under the commission or city manager form of government, shall, at its first regular meeting or within one (1) month thereafter, appoint a city attorney, who shall hold office for two (2) years and until his successor is elected and qualified. The city attorney must, at the time of his election, be [a qualified voter of the city and have been] a licensed practicing attorney [for five (5) years]. No person shall be eligible to the office of city attorney who is a stockholder, officer, agent, attorney or employe of any corporation or person holding any franchise under or having a contract with the city.

**HR 94,** A RESOLUTION directing the staff of the Legislative Research Commission to study the problem of multiplicity of governmental units in Jefferson County through the Interim Joint Committee on Cities.

WHEREAS, Jefferson County contains the largest metropolitan area in the state with the largest city and the largest number of cities; and

WHEREAS, there has been created in Jefferson County many joint city-county agencies which are semi-independent in nature as well as many independent taxing authorities which has led to a diffusion and overlapping of the delivery of governmental service; and

WHEREAS, other metropolitan areas of the nation have developed many improvements in economy and efficiency in the delivery of governmental services which may be adaptable to Jefferson County;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the staff of the Legislative Research Commission be hereby directed to study, through the Interim Joint Committee on Cities, the feasibility of improving the rendering of governmental services in Jefferson County; of eliminating the overlapping of governmental services; and of eliminating semi-independent joint agencies.

Section 2. That the Interim Joint Committee on Cities shall report the findings and recommendations of said study to the Legislative Research Commission and the regular session of the 1978 General Assembly no later than October 1, 1977.

Section 3. Staff services to be utilized in completing this study are estimated to cost $6,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

**SB 226,** AN ACT changing the classification of the City of Oak Grove, in Christian County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Oak Grove, in Christian County, is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Oak Grove, in Christian County, is transferred from the sixth to the fifth class of cities.

The Committee Amendment to **SB 226** is as follows:

Amend printed copy of Senate Bill 226 on page 1, line 1, before the word "The", add: "Section 1.";

and on page 1, after line 2, add: "Section 2. Whereas, the population of the city of Oak Grove is such as to make law enforcement impracticable under sixth class city statutes, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

**SB 242,** AN ACT relating to qualifications of members of city police and fire departments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.710 is amended to read as follows:

To be eligible for appointment as a member of the police force or fire department of a city of the fourth or fifth class, except cities of the fourth class which have adopted KRS 95.761 to 95.784, a person must be [a citizen of the state], a resident of the county [for at least six (6) months], at least twenty-one (21) years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony is eligible for appointment. After appointment no member shall interfere in any election. [If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six (6) months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six (6) months in the county is sufficient.]

Section 2. KRS 95.762 is amended to read as follows:

(1) The commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or fireman, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and firemen. Every member of the police or fire department shall be a *resident of the county prior to his appointment* [qualified voter of the city in which appointed], and shall be able to read and write and understand the English language, and have such other general qualifications as may be prescribed.

(2) No person shall be appointed a member of the police or fire departments unless he is well known to be a person of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said police or fire departments on account of any political, partisan service rendered by him or on account of political sentiments or affiliations, or who is under twenty-one (21) years of age or over forty (40), unless the applicant has had as much as five (5) years' experience as a regular policeman or fireman and is not over fifty-five (55) years of age. No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds, nor shall any member of said department pay or collect any assessments made by political organizations, or contribute to political campaign funds, or be unduly active in politics or work for the election of candidates for office.

(3) The examination and qualifications provided for in this section shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years.

(4) Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of KRS 95.761 to 95.785 shall not prevent the said city legislative body from increasing or decreasing the number of policemen or firemen, as may be deemed proper from time to time, and provided further, that in the event the said city legislative body decreases the number of policemen or firemen, the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.

(5) The civil service commission may provide that appointments for initial permanent employment may be probationary appointments for a period of not more than six (6) months, after which probationary period regular appointments shall be given to all probationary employes who are deemed to be satisfactory by the respective appointing authority.

Section 3. Whereas, it is increasingly difficult to appoint sufficient numbers of police and fire personnel in cities of the fourth and fifth class due to restrictive residency requirements, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Judiciary-Statutes reported **HB 531** and **HB 722** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 531,** AN ACT relating to horse racing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 436.480 is amended to read as follows:

*The provisions of* KRS Chapter 528 *prohibiting gambling activity or the promotion thereof* shall not apply to *parimutuel wagering or french pools at* enclosures during the regular meetings or enclosures in which horse racing is being conducted under license from the State Racing Commission, or to enclosures during regular race meetings in which trotting and pacing horses are being conducted by associations regularly organized for that purpose.

**HB 722,** AN ACT relating to conveyancing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 382.335 is amended to read as follows:

(1) No county clerk shall receive or permit the recording of any instrument by which the title to real estate or personal property, or any interest therein or lien thereon, is conveyed, granted, encumbered, assigned or otherwise disposed of; nor receive any instrument or permit any instrument, provided by law, to be recorded as evidence of title to real estate; and shall not receive or permit any instrument, relating to the organization or dissolution of a private corporation, unless such instrument has endorsed on it, a printed, typewritten or stamped statement showing the name and address of the individual who prepared the

instrument, and such statement is signed by such individual, provided, however, that the person who prepared the instrument may execute his signature by affixing a facsimile of his signature on the instrument. This subsection shall not apply to any instrument executed or acknowledged prior to July 1, 1962.

(2) No county clerk shall receive or permit the recording of any instrument by which the title to real estate or any interest therein is conveyed, granted, assigned or otherwise disposed of unless such instrument contains the mailing address of the grantee or assignee. This subsection shall not apply to any instrument executed or acknowledged prior to July 1, 1970.

*(3) No county clerk shall receive or permit the recording of any instrument by which the title to real estate or personal property, or any interest therein is conveyed in satisfaction of any mortgage or lien unless such instrument is signed by the holder or holders of such mortgage or lien, or by the duly authorized agent or attorney of such holder or holders, evidencing the acceptance of such conveyance for such purpose. This subsection shall not apply to any instrument executed or acknowledged prior to July 1, 1976.*

*(4)* This section does not apply to wills, *and the* [.(4) The] receipt for record and recording of any instrument by the county clerk without compliance with the provisions of this section shall not prevent such record of filing of the instrument from becoming notice as otherwise provided by law, nor impair the admissibility of the record as evidence.

The Committee on State Government reported **HB 371** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on State Government reported **HB 723** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 723,** AN ACT relating to salaries of state officers and employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 45.340 is amended to read as follows:

*(1)* Except where otherwise provided by law, checks for salaries due to public officers and employes shall be issued weekly, semimonthly, monthly or for such other period of time not exceeding thirty (30) days which may be designated by the executive department for finance and administration with the approval of the governor. Checks shall be tendered to an officer or employe only after he has completed the work for which he is being paid and not later than fifteen (15) days after the designated pay period. The executive department for finance and administration is authorized to effect such changes in the payroll system at any time as are necessary to pay salaries after work has been performed. The department is further authorized to make such changes as are necessary and desirable in the posting of payroll expenditures and any other accounting and reporting procedures. In connection with such changes in accounting and reporting procedures, KRS 45.231 shall not be construed to prevent the issuance of salary checks for services rendered during a preceding fiscal year.

*(2) All salaried state officers and employes shall be paid bi-weekly, every other Friday, beginning on August 27, 1976, for the pay period August 1 through August 15, 1976, for the employes of the executive department for finance and administration, and beginning no later than October 28, 1977, for the pay period October 1 through October 15, for the employes of all other state program cabinets, departments, divisions or administrative bodies as defined and enumerated in KRS Chapter 12.*

*(3) The manner of paying employes of the courts, the general assembly, all institutions of public higher education, hourly employes of the department of parks, and other hourly employes of any state governmental unit of organization exempted pursuant to subsection (4) of this Section, shall not be affected by subsections (2), (3) or (4) of this Section.*

*(4) The secretary of the executive department for finance and administration shall implement this Act and pursuant thereto may: Exempt the hourly employes of any budget unit from the requirements of subsection (2) of this section; renegotiate or amend any state budget unit contract to provide for payment of any voluntary or legally prescribed payroll deductions thereunder in accordance with the bi-weekly payroll check issuance plan established in this Section; requisition, and require any budget unit to furnish him services, personnel, labor, materials, quarters or equipment subject to KRS 12.090; and, take any other action authorized by law or regulation promulgated pursuant thereto not inconsistent with this Section.*

Section 2. To carry out the purposes of this Act, there is appropriated to the State Treasurer out of the General Fund in the State Treasury the sum of ten thousand dollars ($10,000) for the 1976-77 fiscal year, and the sum of ten thousand dollars ($10,000) for the 1977-1978 fiscal year, and there is appropriated to the executive department for finance and administration out of the General Fund in the State Treasury the sum of five thousand dollars ($5,000) for the 1976-77 fiscal year.

Section 3. The effective date of this Act shall be July 1, 1976.

The Committee on Health and Welfare reported **HB 817** with the expression of opinion that the same should pass. Read at length for the first and ordered placed in the Calendar.

**HB 817,** AN ACT relating to regional community mental health programs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 210.380 is amended to read as follows:

Every combination of cities and counties establishing a regional community mental health services program shall, before it comes within the provisions of KRS 210.370 to 210.460, establish a community mental health board consisting of at least nine (9) members. When a nonprofit corporation is the administrator of such a program not established by a combination of either cities or counties, such corporation shall select a community mental health board which shall be representative of the groups herein enumerated, but the number of members need not be nine (9). When any combination of cities and counties establishes a regional community mental health services program, the chief executive officer of each participating city or county shall appoint two (2) members to a selecting committee which shall select the members of the board. Membership of the community mental health boards shall be representative of *the elected chief executives of county governments,* local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health as well as labor, business and civic groups and the general public.

Section 2. KRS 210.390 is amended to read as follows:

*The* [Except for boards appointed by nonprofit corporations, the] term of office of each member of the community mental health board shall be for four (4) years measured from the first day of the year of appointment except that of the members first appointed, three (3) shall be appointed for a term of two (2) years, three (3) for a term of three (3) years, and three (3) for a term of four (4) years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

Section 3. KRS 210.430 is amended to read as follows:

Any community mental health board or nonprofit corporation administering a mental health services program may apply for the assistance provided by KRS 210.370 to 210.460 by submitting annually to the secretary for human resources its plan, [and] budget *and membership of the board* for the next fiscal year together with the recommendation of the community mental health board thereon. No program shall be eligible for a grant hereunder unless its plan and budget have been approved by the secretary for human resources *and no program shall be eligible for a grant hereunder unless the board composition is reasonably representative of those groups enumerated in KRS 210.380.*

The Committee on State Government reported **SB 95,** with Committee Amendment attached thereto, and **SB 171** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 95,** AN ACT relating to the Kentucky Penal Code.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 503.050 is amended to read as follows:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat.

Section 2. KRS 503.070 is amended to read as follows:

(1) The use of physical force by a defendant upon another person is justifiable when:

(a) The defendant believes that such force is necessary to protect a third person against the use or imminent use of unlawful physical force by the other person; and

(b) Under the circumstances as the defendant believes them to be, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

(2) The use of deadly physical force by a defendant upon another person is justifiable when:

(a) The defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat; and

(b) Under the circumstances as they actually exist, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

Section 3. KRS 503.080 is amended to read as follows:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:

(a) The commission of criminal trespass or burglary in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts; or

(b) Theft, criminal mischief, or any trespassory taking of tangible, movable property in his possession or in the possession of another person for whose protection he acts.

*(2) The use of deadly physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:*

*(a) The commission or attempted commission of criminal trespass or burglary in a dwelling or other building in his possession or in the possession of another person for whose protection he acts; or*

*(b) The commission or attempted commission of arson of a dwelling or other building in his possession or in the possession of another person for whose protection he acts; or*

*(c) The commission or attempted commission of theft, criminal mischief, or any trespassory taking of tangible, movable property in his possession or in the possession of another person for whose protection he acts when such offense constitutes a capital offense or a felony; or*

*(d) Attempts to dispossess him of his dwelling or other building in his possession or in the possession of another person for whose protection he acts otherwise than under a claim of right to its possession.*

[(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that the person against whom such force is used is:

(a) Attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(b) Committing or attempting to commit a burglary of such dwelling; or

(c) Committing or attempting to commit arson of a dwelling or other building in his possession.]

Section 4. KRS 503.090 is amended to read as follows:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting in making an arrest, and he:

(a) Believes that such force is necessary to effect the arrest;

(b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and

(c) Believes the arrest to be lawful.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) [only] when:

(a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and

(b) The arrest is for a felony [involving the use or threatened use of physical force likely to cause death or serious physical injury]; and

(c) The defendant believes that the person to be arrested is likely to endanger human life unless apprehended [without delay].

(3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

Section 5. KRS 503.120 is repealed.

The Committee Amendment to **SB 95** is as follows:

Amend printed copy of Senate Bill 95 on page 3, lines 15-20, by deleting same;

and on page 3, line 21 by deleting "*(d)*" and inserting in lieu thereof "*(c)*".

**SB 171,** AN ACT relating to state financial administration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 45.180 is amended to read as follows:

(1) Except as otherwise provided by law, each state officer or employe who is authorized by law to receive, from corporations or from the state treasury or any fund appropriated out of the state treasury, his traveling or other expenses incident to the discharge of his official duties, shall submit to the executive department for finance and administration an itemized statement of such expenses, accompanied by a receipt for each item of expense in excess of two dollars ($2.00), before the department shall audit or pay such expenses. The executive department for finance and administration may rely on a preaudit performed by the budget unit as a basis for issuing a warrant.

(2) The executive department for finance and administration may issue rules and regulations to permit state agencies and institutions to contract with airlines, railroads, hotels or other companies for services to a group of their employes while on official travel status. Such expenses are to be submitted to the executive department for finance and administration on forms prescribed by the executive department for finance and administration before the department shall audit or pay such expenses.

(3) The executive department for finance and administration may issue rules and regulations to permit state officers or employes to assign their claim for reimbursement of travel expenses to airline, railroad, hotel, or other companies in payment of services rendered as provided for in subsection (2) of this section and as shown on the itemized statement and receipts as provided for in subsection (1) of this section, which statement and receipts shall indicate that such company has extended credit to said officer or employe in the name of the state and incident to the discharge of his official duties.

(4) Each state officer or employe who by reason of the duties assigned to his office, is required to be at the state capital for the majority of the time, or who has an office located at the state capital, shall not be permitted to charge for expenses except from the state capital to the place where the business he is transacting is to be transacted, and from that place back to the state capital, and each officer or employe who is assigned to duty at some place other than the state capital shall only be permitted to charge to the state such expenses as are incurred in going from that place to the place where the business is transacted, and returning. Expenses in going from the state capital or the place where the officer or employe is assigned to duty to the officer's or employe's real place of residence, or in return therefrom, shall not be allowed unless it is shown that it was necessary for him to make the trip in the discharge of business for the state.

(5) The executive department for finance and administration may issue rules and regulations to permit the payment of travel and other expenses incidental to the official activities of formally organized groups sponsored by or otherwise representing state agencies. The payment may be made direct to service establishments in the manner set forth in subsection (3) of this section, by an inter-account bill between budget units, or by reimbursement to the official or other employe who has been designated as the officer-in-charge of the organized group. If it is necessary that one or more state employes or officials travel with the group, their expenses may be included in the total expenses for the group.

(6) The executive department for finance and administration may issue rules and regulations allowing heads of budget units to establish imprest cash funds for reimbursement of travel expenses.

*(7) In lieu of the reimbursement of travel and other incidental expenses authorized by subsection (1) of this section, and except as may otherwise be provided by law, the executive department for finance and administration may issue rules and regulations to permit the payment out of the state treasury or out of any fund appropriated out of the state treasury, of a fixed expense allowance per day to be established by the commissioner of said department, plus necessary travel expenses, to each state officer or employe who is authorized by law to be reimbursed for expenses incurred in the discharge of his official duties.*

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 811.**

Agriculture and Natural Resources: **SB 256, SB 296, SB 316, SB 317, SB 185, HR 102.**

Business Organizations and Professions: **SB 188, SB 297, SB 346, HB 848, HB 850, SB 362, SB 264.**

Counties and Special Districts: **HB 832.**

Elections and Constitutional Amendments: **HB 837.**

Health and Welfare: **SB 347.**

Judiciary-Statutes: **HR 98, SB 266, SB 269, SB 267.**

Public Utilities and Transportation: **HB 618, SB 212.**

## Adjournment

Representative B. Richardson moved that the House adjourn until 9:45 a.m., Thursday, March 11, 1976. Agreed.

## THURSDAY, MARCH 11, 1976

## FIFTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

The roll was called. All present except Representatives Benson and Maynard.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of March 10, 1976, be dispensed with and the same approved. Agreed.

The Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate, and the members of the Senate entered upon the floor of the House.

The Speaker recognized the Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate, and the members of the Senate.

Representative Bobby Richardson moved that the House resolve itself into a Committee of the Whole to go into Joint Session with the Senate. Agreed.

### Joint Session

The Speaker vacated the Chair, whereupon the Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Representative B. Richardson moved that the Joint Session of the House and Senate dispense with the call of the roll. Agreed.

Prayer by the Reverend Herman M. Bowers, First Baptist Church, Frankfort.

The Honorable Julian M. Carroll, Governor of Kentucky, entered the House Chamber.

Governor Carroll addressed the Joint Session to honor and pay tribute to the memory of the fifteen miners who lost their lives in Black Mountain Mine No. 1 of the Scotia Coal Company in Letcher County, Kentucky, on March 9, 1976.

Representative B. Richardson moved the adoption of the following **HCR 109:**

**HR 109,** A CONCURRENT RESOLUTION to honor and pay tribute to the memory of the fifteen miners who lost their lives in Black Mountain Mine No. 1 in Letcher County, Kentucky.

WHEREAS, an explosion deep inside a southeastern Kentucky coal mine on March 9, 1976, trapped fifteen miners; and

WHEREAS, the families of the miners held a lonely overnight vigil awaiting the outcome of the rescue mission; and

WHEREAS, it was determined that the fifteen miners who were trapped 3 1/2 miles inside the mine had lost their lives due to toxic gases; and

WHEREAS, men of the mining profession daily risk injury, sickness and death; and

WHEREAS, the miners are in the forefront of the effort to produce energy to keep all of America strong and free; and

WHEREAS, this is the worst mining explosion in the history of the Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the General Assembly expresses extreme sorrow over the deaths of the fifteen miners killed in Black Mountain Mine No. 1 of the Scotia Coal Company in Letcher County, Kentucky, on March 9, 1976, pays honor and tribute to their memory, and extends its deepest and most heartfelt sympathy to their families.

Section 2. That the Clerk of the House of Representatives send copies of this Resolution to the families of the fifteen miners.

Agreed.

Representative B. Richardson moved that the Joint Session of the House and Senate be dissolved. Agreed.

The Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate, vacated the Chair.

The Speaker resumed the Chair.

## Recess

Representative B. Richardson moved that the House recess until 2:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Prayer by Reverend Gene Bronston Waggoner, Stithton Baptist Church, Radcliff, Kentucky.

Representative Hardwick sang "God Bless America".

## Introduction of Bills and Resolutions

**HR 107,** by Representative Robinson: A RESOLUTION directing a study of legislative proposals prefiled by interim joint committees.

## Report of Committees

The Committee on Labor and Industry reported **HB 727,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 727,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.186 is amended to read as follows:

*(1)* An employer shall notify any employe who has received an injury or illness of the statute of limitations applicable to the injury or illness, not later than thirty days prior to the expiration date.

*(2) Notwithstanding the provisions set out in subsection (1), the workmen's compensation board shall notify any employe who has received an injury or illness of the statute of limitations applicable to the injury or illness, not later than thirty days prior to the expiration date.*

The Committee Amendment to **HB 727** is as follows:

Amend printed copy of **HB 727,** page 1, after line 12, add the following new subsection:

(3) *In the event that an employer fails to notify the board as required in KRS 342.330, the statute of limitations shall not apply.*

The Committee on Agriculture and Natural Resources reported **HR 102, SB 185, SB 256** with Committee Amendment attached thereto, **SB 296,** and **SB 316** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 102,** A JOINT RESOLUTION authorizing and directing the study of the environmental effects of nuclear waste.

WHEREAS, several questions have been raised in the public press concerning the human danger associated with nuclear power and nuclear waste disposal; and

WHEREAS, Kentucky soil is used as a depository for nuclear wastes in the Northeastern section of the state; and

WHEREAS, the watershed of the Licking River may be affected by the deposit of nuclear wastes; and

WHEREAS, many citizens of Northeastern Kentucky are extremely concerned and dismayed as to the possible effects of accidents incurred in the deposit of nuclear materials in this area;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Department for Natural Resources and Environmental Protection be authorized and directed immediately to study the effects of nuclear waste disposal on the citizens of Kentucky, with special emphasis placed on the concerns of the citizens of Northeastern Kentucky.

Section 2. That the Governor request the assistance of the United States Environmental Protection Agency, the Tennessee Valley Authority, and any other agency of the national government that he deems necessary in completing this study.

Section 3. That the Secretary of the Department for Natural Resources and Environmental Protection shall report the progress of the study to the public on a quarterly basis. The study shall be completed on or before June 30, 1977.

Section 4. Whereas, the potential dangers of nuclear power accidents are serious in Kentucky, an emergency is declared to exist, and this Resolution shall become effective upon its passage and approval by the Governor.

**SB 185,** AN ACT relating to oil wells.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 353.610 is amended to read as follows:

(1) Except as provided in KRS 353.500 to 353.720, no permits shall be issued for the drilling, deepening, or reopening of any shallow well for the production of oil, unless the proposed location of the well shall be at least three hundred thirty (330) feet from the nearest boundary of the premises upon which the well is to be drilled, deepened or reopened; and, the proposed location must be at least six hundred sixty (660) feet from the nearest oil producing well. This subsection shall not be construed to regulate the distance between wells which do not produce oil from the same pool.

(2) Except as provided in KRS 353.500 to 353.720, no permit shall be issued for the drilling, deepening or reopening of any shallow well for the production of gas unless the proposed location of the well shall be at least five hundred (500) feet from the nearest boundary of the premises upon which such well is to be drilled, deepened or reopened; and, the proposed location must be at least one thousand (1,000) feet from the nearest gas producing well. This subsection shall not be construed to regulate the distance between wells which do not produce gas from the same pool.

(3) This section shall not apply:

(a) To wells drilled, deepened, or reopened for the injection of water, gas or other fluids into an oil or gas producing formation.

(b) To any well drilled, deepened or reopened in a pool or portion thereof, which is included in a secondary recovery program commenced or proposed, if the location or proposed location of the well conforms to a geometric pattern already established on all premises which will be offset and affected by the well.

(c) To wells drilled or deepened as water supply wells and geological or structure test holes; or

(d) To premises within the limits of any incorporated city, town or village which has enacted or enacts hereafter an ordinance regulating the location or spacing of wells for the production of oil and gas at distances of not less than the distances prescribed in this section.

(e) To wells for the production of oil to be drilled, deepened, or reopened and completed at a depth of less than two thousand (2,000) feet where there are no workable beds of coal at lesser depths and the formation from which the oil is expected to be extracted is not appreciably affected by factors, as determined by the Commissioner, other than natural drainage. The location of wells for the production of oil coming within this exception shall be at least two hundred (200) feet from the nearest boundary of the premises upon which the well is to be drilled, deepened or reopened; and the proposed location must be at least four hundred (400) feet from the nearest oil producing well. *This subsection shall not be construed to regulate the distance between wells which do not produce from the same pool.*

**SB 256,** AN ACT relating to livestock dealers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 257.530 is amended to read as follows:

*(1) Any livestock dealer shall maintain records of all transactions conducted by him for the next preceding six-month period including the names and addresses of persons from whom he has purchased or to whom he has sold livestock and the date of such transactions and to make such records available to the division upon written request; provided, however, there shall be no requirement to maintain or furnish records or information as to the amount paid or received for any head of livestock.*

*(2) The following acts by any livestock dealer shall be violations of this Act:*

*(a) Failure to maintain the records required under subsection (1) of this Act;*

*(b) Failure to provide access to division employes of such records;*

*(c) Buying or selling livestock under an assumed name or address; and*

*(d) Violation of any valid regulation or statute governing disease control.* [Any livestock dealer shall on request provide the division with the name and address of the person said livestock dealer purchased any particular head of livestock from within three months of such purchase. However, a livestock dealer shall not be required to keep records.]

Section 2. KRS 257.990 is amended to read as follows:

(1) Any person who violates any regulation promulgated by the board under the provisions of this chapter, for the violation of which no other penalty is provided in this section, shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for the first offense; for each subsequent offense he shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or be imprisoned not more than thirty (30) days, or both.

(2) Any person who violates KRS 257.040 shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200).

(3) Any person who violates KRS 257.050 shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200) for the first offense; for each subsequent offense he shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), and shall be imprisoned for not less than sixty (60) days nor more than one hundred and twenty (120) days.

(4) Any person who violates subsection (1) of KRS 257.060 shall be fined not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) for the first offense; for each subsequent offense he shall be fined not less than five hundred dollars ($500) nor more than fifteen hundred dollars ($1,500), and shall be imprisoned for not less than sixty (60) days nor more than one hundred and twenty (120) days.

(5) Any person who violates subsection (2) of KRS 257.060 shall be fined not more than five hundred dollars ($500).

(6) Any person who violates any of the provisions of KRS 257.080, subsection (2) of KRS 257.160, or KRS 257.180 shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

(7) Any person who fails to comply with subsection (1) of KRS 257.090 shall be civilly liable for all damages that occur by spreading the disease and shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100).

(8) Any person who fails to comply with paragraph (c) of subsection (2) of KRS 257.090 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(9) Any person who violates any ruling of the board or who hinders any agent of the board in carrying out the duties assigned to him, or any officer who refuses to enforce the provisions of this chapter when called

upon by the board to do so, or any other person who in any way attempts to hinder or obstruct the board in carrying out the provisions of this chapter shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100) for each offense.

(10) Any person who violates any provision of KRS 257.330 to 257.350 or the regulations made thereunder for carrying out their provisions, or who fails or refuses to comply with or intends to deceive or who answers or represents falsely in response to any requirement of KRS 257.330 to 257.350, or who wilfully interferes with the livestock sanitary division of the department of agriculture, or state veterinarian, their employes or agents, in the carrying out of their duties provided in KRS 257.330 to 257.350, shall be guilty of a misdemeanor. Any person who shall violate any of the provisions of KRS 257.330 to 257.350 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars ($100).

(11) Any person, firm or corporation who shall violate any provision of KRS 257.370 to 257.460 or any rule or regulation made under authority thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars ($100) for each offense.

(12) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with an officer under KRS 257.490 or who willfully refuses to obey his lawful orders shall be fined not more than $500 or imprisoned in the county jail not more than 30 days, or both.

(13) Any livestock dealer who violates *any* [the] provision [s] of KRS 257.530 shall be fined *twenty-five dollars ($25) for the first offense and not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each succeeding offense* [in any sum not to exceed one hundred dollars].

The Committee Amendment to **SB 256** is as follows:

Amend printed copy of **SB 256,** page 5, by inserting after line 15, the following:

SECTION 3. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of the law to the contrary, the Department of Agriculture shall not enact any regulations prohibiting the rights of buyers of any livestock to purchase such livestock.

**SB 296,** AN ACT relating to the state fair board.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 247.090 is amended to read as follows:

(1) The State Fair Board shall be composed of *twelve (12)* [ten] members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) *Nine (9)* [Seven] members appointed from the state at large by the Governor with due consideration to geographical distribution throughout the state.

(2) The terms of the appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify. As the terms of each group of members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms commencing December 12, 1948, one member of the first group of successor members to be appointed shall be appointed from a list of six nominees consisting of three names from each of the two political parties polling the largest number of votes in the state at general elections submitted to the Governor by the governing body of the Kentucky Livestock Improvement Association, and beginning December 12, 1972, one member of the first group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky State National Farmers Organization; one member of the second such group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one member of the third group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky Farm Bureau Federation. It is the intention of the General Assembly that the political affiliation of the appointed members shall be as evenly divided as possible between the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

**SB 316,** AN ACT relating to burley tobacco.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

It is declared to be in the interest of the public welfare that Kentucky farmers who are producers of burley tobacco shall be permitted and encouraged to act jointly and in cooperation with all producers, handlers, dealers, and processors of burley tobacco in promoting and stimulating, by research, market development, and education, the increased production, use and sale, domestic and foreign, of burley tobacco and burley tobacco products.

SECTION 2. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1) "Association" means any commission, council, board, or other body;

(2) "Commissioner" means the commissioner of agriculture;

(3) "Board" means the state board of agriculture;

(4) "Producer" means every person who produces burley tobacco and thereafter causes the same to be marketed;

(5) "New producer" means a producer who was not engaged in the business of producing burley tobacco at the time a referendum was conducted in accordance with the provisions of this Act;

(6) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity; and

(7) "Marketing quota" means each burley tobacco quota for which a marketing card is issued by the county agricultural stabilization conservation service office.

SECTION 3. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

No association meeting or activity undertaken in pursuance of the provisions of this Act and intended to benefit all of the producers, handlers, and processors of burley tobacco shall be deemed or considered illegal or in restraint of trade.

SECTION 4. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

It is hereby further declared to be in the public interest and highly advantageous to the agricultural economy of the state that producers of burley tobacco shall be permitted by referendum, to be held among such respective groups, and subject to the provisions of this Act, to levy upon themselves an assessment on burley tobacco and provide for the collection of the same for the purpose of financing or contributing towards the financing of a program of research, market development and education to increase the domestic and foreign consumption, use, sale, and markets for burley tobacco and burley tobacco products.

SECTION 5. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

(1) Any existing association which is fairly representative of burley tobacco in Kentucky, such as the council for burley tobacco, may at any time after the enactment of this Act make application to the state board of agriculture on forms prescribed by such board for certification and approval for the purpose of conducting a referendum among the producers of burley tobacco upon the question of levying an assessment under the provisions of this Act, and collecting and utilizing the same for the purpose stated in such referendum. Such application forms shall include, but not be limited to, the following:

(a) Applicant's name;
(b) Applicant's address;
(c) Date;
(d) Program to be undertaken for producers;
(e) Brief statement of how the program is to be implemented;
(f) Referendum to be conducted on a statewide or area basis;
(g) Proposed effective date of the program;
(h) Geographic area, by counties, of producers to be affected by the program; and
(i) Signature of the applicant.

(2) Upon receipt of the application, the commissioner shall publish the application through the medium of the public press in the state within ten (10) days of receipt thereof.

SECTION 6. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

Upon being certified by the commissioner of agriculture, the association shall thereupon be fully authorized and empowered to hold and conduct on the part of the producers of burley tobacco a referendum on the question of whether or not such producers shall levy upon themselves an assessment under, and subject to, and for the purposes stated in this Act. Such referendum may be conducted either on a statewide or area basis.

SECTION 7. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

Any referendum conducted under the provisions of this Act may be held either on an area or statewide basis, as may be determined by the duly certified association before the referendum is called; and such referendum, on an area or statewide basis, may be participated in by all burley tobacco producers, including owners of farms on which the burley tobacco is produced and tenants sharing in the proceeds of burley tobacco. In the referendum, individuals so eligible for participation shall vote upon the question of whether or not there shall be levied an assessment in the amount set forth in the call for the referendum.

SECTION 8. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

The manner, conduct, and management of any referendum held under the provisions of this Act shall be under the supervision and direction of the commissioner of agriculture, and any and all expenses in connection therewith shall be borne by the association conducting the referendum.

SECTION 9. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

With respect to any referendum conducted under the provisions of this Act, the commissioner of agriculture shall, before calling and announcing the referendum, fix, determine and publicly announce at least thirty (30) days before the date determined for the referendum, the date, hours, and polling places for voting in the referendum, the effective date of the assessment, if adopted, the amount and basis of the assessment proposed to be collected, the means by which the assessment shall be collected if authorized by the producers, and the general purposes to which the amount so collected shall be applied. No assessment levied in any marketing year shall be less than fifty cents (50¢) nor more than ten dollars ($10) per marketing quota.

SECTION 10. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

The hours, voting places, rules and regulations, and the area within which the referendum will be conducted shall be established and determined by the commissioner of agriculture; and referendum date, area, hours, voting places, rules and regulations with respect to the holding of the referendum shall be published by the commissioner in accordance with the provisions of KRS Chapter 424. Direct written notice thereof shall likewise be given to each county or area agricultural extension agent in any county covered by the referendum. The notice shall contain a statement of the amount of the assessment proposed to be levied, and state the method by which the assessment shall be collected and how the proceeds thereof shall be administered and the purposes to which they shall be applied, which purposes shall be in keeping with the provisions of this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

The commissioner of agriculture shall prepare and distribute in advance of the referendum all necessary ballots for the purpose thereof and shall arrange for the necessary poll holders for conducting the referendum. Following the referendum and within ten (10) days thereafter, the commissioner shall canvass and publicly declare the result of the referendum.

SECTION 12. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

If, in such referendum called under the provisions of this Act, a majority of the eligible producers in the area in which the referendum is conducted, who vote therein, shall vote in the affirmative and in favor of levying and collecting the assessment proposed in the referendum, then the assessment shall be collected in the manner determined and announced by the association conducting the referendum.

SECTION 13. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

(1) In the event a majority of the eligible producers in the referendum who vote therein shall vote in favor of the assessment, then the commissioner shall notify forthwith, by registered or certified mail, every person licensed to operate a tobacco warehouse in the state, as well as every person who operates a tobacco manufacturing establishment and every tobacco dealer who buys burley tobacco directly from the producer, that on and after the date designated in the notice, which shall be not less than thirty (30) days nor more than sixty (60) days after the mailing of the notice by the commissioner, the amount of the assessment shall be deducted by all sales markets or purchasers of burley tobacco or by their agents or representatives, from the purchase price paid the seller of burley tobacco.

(2) On or before the fifteenth (15th) day of each month all assessments deducted shall be remitted to the association certified by the assessment referendum.

(3) The books and records of all tobacco warehouses, tobacco manufacturers and tobacco dealer operators shall at reasonable times be open for inspection by the commissioner or his duly authorized agents for the purpose of ascertaining the accuracy of the amounts remitted.

SECTION 14. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

In the event the referendum is carried in the affirmative and the assessment is levied and collected as provided, any producer upon and against whom the assessment shall have been levied and collected under the provisions of this Act, if dissatisfied with the assessment and the result thereof, shall have the right to demand of and receive from the treasurer of the certified association a refund of the assessment so collected from the producer; Provided, the demand for refund is made in writing within thirty (30) days from the date on which the assessment is collected from the producer.

SECTION 15. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

(1) The board shall review the assessment program annually. If, at the end of any year after the first year of the assessment program, the board has reason to believe that a majority of producers are not in favor of the program, the commissioner may conduct a referendum among the producers in the area or if the board determines that fifty percent (50%) of the producers in the referendum area are not participating in the program, the commissioner shall then conduct a referendum among the producers in the area. If, upon the referendum, a majority of the producers in the area reject the program, it shall be terminated as at the end of the month in which the referendum for the area was conducted and held; otherwise, such assessment program shall continue in force and effect.

(2) If the certified association of producers expresses in writing its desire to the commissioner to discontinue the assessment program and terminate it, the commissioner shall within fifteen (15) days following receipt of the request convene the board to review and act on the request. The board, after reviewing the request and conducting whatever proceedings are deemed appropriate and necessary in connection with the request, may terminate the program effective at the end of the month in which the board action is taken; and in this event the commissioner shall notify, by registered or certified mail all operators of tobacco warehouses, tobacco manufacturers, or tobacco dealers of the termination of the program.

(3) If the certified association requests in writing to the commissioner to hold a referendum on the question of increasing the assessment within the limits of this Act, the commissioner shall within fifteen (15) days of the receipt of the request convene the board to review and act on the request. The board, after reviewing the request and conducting whatever proceedings are deemed appropriate and necessary with the request, shall, if the request is approved, conduct a referendum in accordance with the provisions of this Act.

SECTION 16. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

Whenever in the judgment of the board or the duly certified association, an operator of a tobacco warehouse, tobacco manufacturing establishment, or tobacco dealer has engaged in or is about to engage in any acts or practices that constitute a violation of any of the provisions of this Act, the board or the duly certified association may make application to the Franklin Circuit Court for an order enjoining such Act or practices and obtain a restraining order and preliminary injunction against the operator.

SECTION 17. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

Any operator of a tobacco warehouse, tobacco manufacturing establishment, or tobacco dealer who violates or fails or refuses to comply with the provisions of this Act shall upon conviction be fined not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each offense. Each failure to withhold or refusal to comply with the provisions of this Act shall constitute a separate offense.

The Committee on Banking and Industry reported **SB 220** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 220,** AN ACT relating to consumer protection.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in this act:

(1) "Person" means an individual, corporation, or any other business organization.

(2) "Consumer" means a natural person who seeks or acquires goods or services for personal, family, or household use.

(3) "Creditor" means a person who, in the ordinary course of business, lends purchase money or finances the sale of goods or services to consumers on a deferred payment basis, provided such person is not

acting, for the purposes of a particular transaction, in the capacity of a credit card issuer.

(4) "Purchase money loan" means a cash advance which is received by a consumer in return for a finance charge, which is applied, in whole or substantial part, to a purchase of goods or services from a seller who (a) refers consumers to the creditor or (b) is affiliated with the creditor by common control, contract, or business arrangement.

(5) "Consumer credit contract" means any instrument which evidences or embodies a debt arising from a "purchase money loan" transaction or in which credit is extended by a seller or lessor in connection with a sale or lease to a consumer.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

With respect to any consumer credit contract taken in connection with any purchase money loan or any sale or lease of goods or services other than credit card transaction, an assignee of the rights of the seller or lessor is subject to all defenses of the buyer against the seller or lessor arising out of the sale or lease notwithstanding an agreement to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time the defense is asserted against the assignee. Rights of the buyer or lessee under this section can only be asserted as a matter of defense to or set-off against a claim by the assignee.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

This act shall not apply to any consumer credit contract taken in connection with any purchase money loan or any sale or lease of goods or services which is in compliance with any trade regulation issued or promulgated by the Federal Trade Commission or any regulation of the Board of Governors of the Federal Reserve System or similar Federal agency having jurisdiction relating to preservation of consumer claims and defenses in credit transactions.

The Committee on Counties and Special Districts reported **HB 621** with Committee Amendment attached thereto, **HB 660** with Committee Amendment attached thereto, **HB 823,** and **SB 224** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 621,** AN ACT relating to traffic regulations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 189.450 is amended to read as follows:

(1) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon the main traveled portion of a highway; Provided, however, That this section shall not be construed to prevent parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This subsection shall not apply to:

(a) A vehicle that has been disabled on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal;

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer;

(c) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom, provided that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions.

(d) Any vehicle required to stop by reason of an obstruction to its progress.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;
(d) At any place where official signs prohibit stopping or parking; or
(e) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
(5) No person shall move a vehicle not lawfully under his control into any such prohibited area.
(6) The restrictions in subsection (4) (d) of this section shall not apply to *constables,* sheriffs *or* [and] their deputies when operating properly identified vehicles during performance of their official duties.

The Committee Amendment to **HB 621** is as follows:

Amend printed copy of **HB 621,** page 3, line 9, after the word "to" remove the word "*constables,*"

and on page 3, line 9, after the word "sheriffs" delete the word "or" and take the brackets off the word "and" at the end of that line

and on page 3, line 11, after the word "duties" delete the "." and insert therefor: ", or constables in counties containing a city of the first class."

**HB 660,** AN ACT relating to fire districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 75.031 is amended to read as follows:

(1) Upon creation of a fire protection district *or a volunteer fire prevention district* as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge. Two (2) members of the board of trustees shall be elected by the members of the volunteer fire fighters of the district and shall be members thereof. Two (2) members of the board of trustees shall be property owners who own and reside in the property in the district who are not active volunteer fire fighters and shall be elected by such property owners. The county judge of the county in which the greater part of the district is located shall appoint three (3) members of the board of trustees. *The trustees appointed by the county judge to serve in volunteer fire prevention districts shall reside within the boundaries of that fire district.* At the first election held after the district is formed, one (1) volunteer fire fighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years and one (1) nonvolunteer fire fighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms the successor to each shall have the same qualifications as his predecessor and shall be elected for a term of four (4) years. In the event of a vacancy in the term of an elected trustee, the remaining elected trustees shall elect a trustee to fill the vacancy for the balance of the term. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms the successors to each shall be appointed for a term of three (3) years. In the event of a vacancy in the term of an appointed trustee, the county judge shall appoint a trustee for the remainder of the term.

(2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on a date determined by the department. The polls shall be located at the principal fire house in the district. The date, time and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. The nominations for candidates for trustees both representing the fire fighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire district is being operated, after June 16, 1966 all departments organized prior to June 16, 1966 shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.

(3) Such trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge of the county in which the greater part of the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

The Committee Amendment to **HB 660** is as follows:

Amend printed copy of **HB 660,** page 1, line 18, after the "." delete the first "*The*" and insert therefor: "In counties containing a city of the first class"

**HB 823,** AN ACT relating to unincorporated urban places.

WHEREAS, the Fairdale area located in southern Jefferson County, and described by metes and bounds herein, is a compact unincorporated place with a population in excess of 25,000; and

WHEREAS, the citizens of Fairdale have designated the American Holly as their official tree; and

WHEREAS, the citizens of Fairdale have designated the Mocking Bird as their official bird; and

WHEREAS, the citizens of Fairdale have designated "WE SHALL DEFEND" as their official motto; and

WHEREAS, the citizens of Fairdale have designated their official flag as follows:

(a) A flag of five colors;

(b) A field of red to symbolize fervency and the general term of rednecks by which the residents are proudly known;

(c) A green laurel wreath in the top of the canton to symbolize immortality and the residents' determination to win;

(d) Two St. Andrew crossed golden swords in the center of the canton to symbolize constancy and the residents' pride in the high hills of the area. (The claymore swords are the fighting weapons of the highlanders, and St. Andrew is known as the patron saint of the highlanders. The highest elevation in Jefferson County is located in Fairdale at 902 feet above sea level);

(e) A blue collar in the bottom of the canton to symbolize fidelity and because most of the area's residents are blue collar workers;

(f) A white inscription on the collar to symbolize purity and because over ninety-five percent (95%) of the area residents are God fearing far right wing conservatives, with the inscription to read, "IN GOD WE TRUST"; and

WHEREAS, the Fairdale area qualifies as an "other municipality" within the sense of Sections 157, 158, 159, 161, 162 and 164 of the Kentucky Constitution which refers to "cities, towns and other municipalities"; and

WHEREAS, the Fairdale area is not an "incorporated district" as that term is used in Section 179 of the Kentucky Constitution;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

The Fairdale area of Jefferson County is an "unincorporated urban place" within the meaning of KRS 177.366, 177.367 and 177.368. The metes and bounds of the Fairdale area are as follows: Beginning at a point approximately 1,000 feet West of Smith Road on the Jefferson—Bullitt County line; running thence northwardly along a line behind improvements facing Smith Road, Top Hill Road, and Jefferson Hill Road 12,000 feet more or less to Lonesome Hollow Road; thence northwestwardly with Lonesome Hollow Road 6,000 feet more or less to Blevins Gap Road; thence northeastwardly along Blevins Gap Road 2,000 feet more or less to Greyling Drive; thence northeastwardly along Greyling Drive 5,500 feet more or less to Manslick Road; thence northwardly along Manslick Road 2,000 feet more or less to the Louisville, Henderson & Saint Louis Railroad; thence northeastwardly along said railroad 16,250 feet more or less to the Louisville & Nashville Railroad; thence southwardly along the Louisville & Nashville Railroad 4,000 feet more or less to the Outer Loop; thence eastwardly along the Outer Loop 10,250 feet more or less to Interstate 65; thence southwardly along Interstate 65 18,500 feet more or less to the Bullitt - Jefferson County line; thence westwardly with said county line 28,000 feet more or less to the beginning.

**SB 224,** AN ACT relating to sheriffs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

(1) The sheriff in each county may appoint and have sworn in as many special deputies as needed to assist him in the execution of his duties and office during an emergency situation, such as fire, flood, tornado,

storm, or other such emergency situations.

(2) The special deputy shall:

(a) be appointed and dismissed on the authority of the sheriff;

(b) not receive any monetary compensation for his time or services;

(c) serve at the request of the sheriff, unless personal conditions rule otherwise;

(d) serve for the duration of the emergency situation or any part thereof, as directed by the sheriff;

(e) be answerable to and under the supervision of the sheriff, who shall be responsible for the actions of the special deputy; and

(f) be appointed regardless of race, color, creed or position.

(3) The temporary position of special deputy as created and defined in subsections (1) and (2) is subject to the provisions of this section only.

The Committee on Health and Welfare reported **HB 730, HB 757, HR 2, SB 166, SB 172, SB 195, SB 213, SB 214, SB 248,** and **SB 249** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 730,** AN ACT relating to sales tax exemption for aged, blind, and disabled persons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) Any person who is aged, blind, or disabled as defined in KRS 205.010 and who is receiving supplemental security income program benefits shall be exempted from the sales tax on electricity for residential use. The department for human resources shall issue, at the same time as making supplemental security payments, a card identifying the recipient as being eligible for the sales tax exemption. This card shall entitle the recipient to withhold the sales tax on residential electricity bills.

(2) All electric utility corporations providing electricity to citizens of the commonwealth shall honor the cards issued under the provisions of subsection (1) for the payment of the sales tax on residential electricity. The sales tax credit shall only apply to electricity purchased by the person identified on the card issued by the department for human resources.

(3) The department of revenue and the department for human resources shall issue such regulations as are deemed necessary to implement the purposes of this section.

Section 2. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three per cent (3%) of the cost of production;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and Provided further That such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the

occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations.

(10) Property which has been certified as a pollution control facility as defined in KRS 224.850.

*(11) Residential electricity for use by aged, blind, and disabled under the provisions of Section 1 of this Act.*

**HB 757,** AN ACT relating to health care costs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 215A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Commission" means the health services cost review commission.

(2) "Health facilities and health services" means any health facility and health service as defined under the provisions of KRS 216.405(6) excluding community mental health and mental retardation centers and hospitals.

(3) "Hospital" means any hospital licensed and regulated by the Kentucky health facilities and health services certificate of need and licensure board under the provisions of KRS 216.405 to 216.485.

SECTION 2. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created an independent health services cost review commission for the purpose of assuring to the purchasers of services provided by hospitals and health facilities and health services that the cost of said services to patients are reasonably related to the cost of providing such services and are set without discrimination. Ancillary purposes of the commission shall be to cause the public disclosure of the financial position of all hospitals and health facilities and health services and the verification of the total costs actually incurred by each of the hospitals and health facilities and health services in rendering health services computed by methods prescribed by the commission.

(2) The commission shall consist of seven (7) members who shall be appointed by the governor within sixty (60) days of the effective date of this Act. Four (4) members of the commission shall be persons who have no connection with the management or policy of any hospital or health facilities and health services. Of the initial appointees, two (2) members shall be appointed for a term of four (4) years, two (2) for an initial term of three (3) years, two (2) for an initial term of two (2) years, and one (1) for an initial term of one (1) year. Thereafter all appointments shall be for terms of four (4) years each. No member shall be eligible for appointment to more than two (2) consecutive terms.

(3) The governor shall annually select a chairman who shall select a vice-chairman. Meetings of the commission shall be held as frequently as its duties require except that the commission shall hold no less than six (6) meetings per year. The commission shall keep minutes of its meetings and adopt rules and regulations governing its meetings, minutes, and transactions.

(4) Four (4) members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless at least four (4) of its members concur therein.

(5) Members of the commission shall serve without compensation but each member shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

SECTION 3. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) The commission shall appoint, with the approval of the governor, an executive director, who shall perform any and all duties and functions as prescribed by the commission. The commission may employ other staff as necessary to assist in carrying out its duties. In addition, the commission may contract with third parties for any services that may be necessary to carry out its activities.

(2) The executive director shall be the chief administrative officer of the commission and shall be subject to the direction of the commission.

(3) To carry out the provisions of this Act, the commission may also create committees from its membership and appoint advisory committees which may include as members, individuals and representatives of interested public and private groups and organizations.

(4) The commission may apply for, receive, and accept grants, gifts, payments, and other funds and advances, appropriations, properties, and services from the United States, the general assembly, or any governmental body, agency, or any other public or private corporation or person, and may enter into agreements with respect thereto, including the undertaking of studies, plans, demonstrations, or projects.

(5) In addition to the powers granted to the commission under the provisions of this Act, the commission may:

(a) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers granted pursuant to the provisions of this Act, and

(b) Hold public hearings, conduct investigations, and require the filing with the commission of information relating to any matter affecting the cost of services provided by any hospital and health facilities and health services subject to the provisions of this Act and subpoena witnesses, papers, records, and documents in connection therewith. The executive director of the commission may administer oaths or affirmations in any hearing or investigation.

SECTION 4. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) The commission shall by rules and regulations, after consultation with appropriate advisory committees and public hearings, specify a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which all hospitals and health facilities and health services shall record their revenues, expenses, other income and other outlays, assets and liabilities, and units of service. All hospitals and health facilities and health services under the commission's jurisdiction shall adopt the system for their fiscal year period, beginning on or after July 1, 1977.

(2) The commission may allow and provide for modifications in the accounting and reporting system adopted in order to correctly reflect differences in the scope or type of services and financial structure between the various categories, sizes, or types of hospitals and health facilities and health services subject to the provisions of this Act and in a manner consistent with the purposes of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) All hospitals and health facilities and health services under the jurisdiction of the provisions of this Act shall at least annually file with the commission the following financial statements or reports in a form and at intervals specified by the commission:

(a) A balance sheet detailing its assets, liabilities, and net worth during each fiscal year;

(b) A statement of income and expenses for each fiscal year; and

(c) Such other reports of the costs incurred in rendering services as the commission may prescribe.

(2) All annual financial statements filed pursuant to the provisions of this section shall be prepared in accordance with the system of accounting and reporting required in Section 4 of this Act. The commission shall require the certification of specified financial reports by a certified public accountant for any hospital or health facilities and health services and may require attestations from responsible officials of any hospital and health facilities and health service that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

(3) The commission shall require the filing of all reports by specified dates and may adopt rules and regulations which assess penalties for failure to file as required.

(4) All reports, except privileged medical information, filed under any provision of this Act shall be open to public inspection and shall be available for examination at the offices of the commission during regular business hours.

SECTION 6. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) Whenever a further investigation is deemed necessary or desirable in order to verify the accuracy of the information contained in reports made by any hospital and health facilities and health services under the provisions of this Act, the commission may make any necessary further examinations of the records and accounts of any such hospital and health facilities and health services as the commission may by regulation provide. Such further examinations may include, but are not limited to, requiring a full or partial audit of all such records and accounts, the cost of which shall be borne by the hospital or health facility and health service subject to such audit.

(2) In carrying out the duties authorized by the provisions of this Act, the commission may utilize its own staff or may contract with any appropriate, independent, qualified third party. No such party shall release or publish or otherwise use any information made available to it under its contractual responsibility unless such permission is specifically granted by the commission.

SECTION 7. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) From time to time the commission shall engage in or carry out analyses and studies relating to health care costs, the financial status of any hospital and health facilities and health services subject to the

provisions of this Act, or any other appropriate related matters, and may publish and disseminate any information relating to the financial aspects of health care as it deems desirable in the public interest, and in accordance with the provisions of this Act. It shall further require the filing of information concerning the total financial needs of all hospitals and health facilities and health services and the resources available to or expected to become available to meet such needs, including, but not limited to, the effect of proposals made by comprehensive areawide and state health planning agencies.

(2) In addition to its other responsibilities under the provisions of this Act, the commission shall prepare and file such summaries, compilations, or other supplementary reports based on the information filed with the commission under the provisions of this Act as will advance the purposes of this Act. All such summaries, compilations, and reports shall be open to public inspection, be made available to requesting agencies, and be prepared within a reasonable time following the end of each hospital and health facilities and health services' fiscal year or more frequently if specified by the commission.

SECTION 8. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

On or before the first day of October, 1977, and every year thereafter, the commission shall prepare and transmit to the governor, the secretary of the department for human resources, the division of consumer protection of the office of the attorney general, and each member of the general assembly a report of commission operations and activities for the preceding fiscal year. This report shall include copies of all summaries, compilations, and supplementary reports required under the provisions of this Act together with such facts, suggestions, and policy recommendations as the commission deems necessary.

SECTION 9. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) From and after July 1, 1977, the commission may initiate such reviews or investigations as may be necessary to assure all purchasers of health care hospital services that the total costs of the hospital are reasonably related to the total services offered by the hospital, that the hospital's aggregate rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) In order to properly discharge these obligations, the commission may review and approve the reasonableness of rates established or requested by any hospital subject to the provisions of this Act. No hospital shall charge for services at a rate other than those established in accordance with the procedures established under the provisions of this Act.

(3) In the interest of promoting the efficient and effective use of health care hospital service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this Act.

(4) The provisions of subsections (1), (2), and (3) of this section shall apply to all health facilities and health services from and after July 1, 1978.

SECTION 10. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) To properly carry out its authority the commission shall immediately upon the effective date of this Act begin to compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall prescribe by rules and regulations the types and classes of charges which shall not be changed by any hospital and health facilities and health services except as provided under the provisions of Section 11 of this Act. The commission shall also obtain from all hospitals and health facilities and health services a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) The commission may permit any nonprofit hospital and health facilities and health services subject to the provisions of this Act to charge reasonable rates which will permit any hospital and health facilities and health services to render effective and efficient service in the public interest on a solvent basis.

(3) The commission may permit any proprietary profit-making hospital and health facilities and health services subject to the provisions of this Act to charge reasonable rates which will permit the rendering of effective and efficient service in the public interest and which shall include, sufficient allowance for and provide a fair value of the hospital and health facilities and health services' property and investments directly related to such hospital and health facilities and health services.

(4) In the determination of reasonable rates under the provisions of this section, the commission shall take into account all of the costs of complying with the recommendations of appropriate areawide and state comprehensive planning agencies or their successors in order to comply with regulations adopted by the Kentucky health facilities and health services certificate of need and licensure board.

(5) In considering a request for change in or initiating a review of rate schedules and other charges, the commission may permit any hospital and health facilities and health services subject to the provisions of this Act to charge rates which will in the aggregate produce sufficient total revenue which will enable any hospital and health facilities and health services reasonably to meet all of the obligations and requirements specified under the provisions of this section.

(6) The commission shall apply any reasonable, relevent, or generally accepted accounting principles in determining reasonable rates for any hospital and health facilities and health services subject to the provisions of this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) From and after July 1, 1977, no hospital subject to the provisions of this Act shall change or amend any schedule of rates and charges of the type and class which may not be changed without prior approval of the commission except in accordance with the following procedure:

(a) Any request for a change in rate schedules or other charges must be filed in writing with such supporting data as the hospital seeking the change deems appropriate. Unless the commission orders otherwise as provided for hereunder, a hospital may not establish such changes except after thirty (30) days prior written notice to the commission. Upon receipt of notice, the commission, if it deems necessary, may hold a public hearing on the proposed change. In this event, a hearing date and place shall be set no later than sixty-five (65) days after receipt of the notice and the commission may suspend the effective date of any proposed change until thirty (30) days after conclusion of the hearing. However, the review of the proposed change may not exceed an overall period of one hundred fifty (150) days from the date of filing. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(b) In any case where such action is deemed necessary, the commission shall promptly institute proceedings as to the reasonableness of the proposal. The suspension may extend for a period of not more than thirty (30) days beyond the date the change would otherwise go into effect; provided, however, that should it be necessary, the commission may extend the suspension for an additional thirty (30) days. After the expiration of ninety (90) days the new rate will go into effect, if the commission does not approve, disapprove or modify the request by that time.

(c) In the event the commission modifies the request of a hospital for a change in its rates so that the hospital obtains only a partial increase in its rate schedule, the hospital shall have the right to accept the benefits of the partial increase in rates and charge its patients accordingly without in any way adversely affecting or waiving its right to appeal that portion of the decision and order of the commission which denied the remainder of the requested rate increase.

(d) When any change affecting an increase in rates goes into effect before a final order is entered in the proceedings due to an appeal or other delay, where it deems it necessary and practicable, the commission may order the hospital to keep a detailed and accurate account of all amounts received by reason of the increase in rates and the persons from whom such amounts were received. At the conclusion of any appeal or other proceeding the commission may order the hospital to refund with interest to each such person any part of the increase in rates that may subsequently be held to be excessive or unreasonable. In the event a refund is not practicable, the hospital shall, under appropriate terms and conditions determined by the commission, charge over and amortize by means of a temporary decrease in rates whatever income it realized from that portion of the increase in rates which was subsequently held to be excessive or unreasonable.

(e) The hearing shall be conducted by the commission at which time evidence for and against the requested change may be introduced by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(f) The commission may, in its discretion, permit any hospital to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out herein shall be conducted by the commission as soon thereafter as is practicable.

(2) Every decision and order of the commission in any contested proceeding shall be in writing and shall state the grounds for the commission's conclusions. The effects of such orders shall be prospective in nature.

(3) The provisions of subsections 1 and 2 of this section shall apply to all health facilities and health services from and after July 1, 1978.

SECTION 12. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

The commission shall annually prepare a budget which shall include its estimated income and expenditures for administration and operation.

SECTION 13. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

Any person aggrieved by an action of the commission may, within thirty (30) days of such action appeal to the Franklin Circuit Court or to the circuit court in the county of residence of the petitioner. The appeal shall state the grounds whereby the appeal is taken and no new or additional evidence shall be introduced except as to fraud or misconduct on the part of persons connected with or affected by the commission's decision. All parties to the proceeding before the commission and the commission itself shall be made parties to the appeal. A court of competent jurisdiction shall determine if the decision of the commission was supported by findings of fact, if the decision was arbitrary and if the commission acted within its jurisdiction and in conformity with the law.

SECTION 14. A NEW SECTION OF KRS CHAPTER 215A IS CREATED TO READ AS FOLLOWS:

(1) Any hospital and health facilities and health services acting by or through its agents or employes which violates any of the provisions of this Act shall be fined not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500). Each violation shall constitute a separate offense.

(2) Any hospital and health facilities and health services acting by or through its agents or employes which charges a rate to any patient for services rendered which exceeds the reasonable rate as determined by the commission under the provisions of Section 10 of this Act shall rebate to such patient any such overcharge and be liable for the cost of insuring that the patient overcharged does in fact receive such rebate.

**HR 2,** A CONCURRENT RESOLUTION requesting and petitioning the President and United States Congress to recognize the right of the states to govern their inhabitants.

WHEREAS, this nation's heritage is based upon the fundamental and inalienable right of individual choice, self determination and the democratic process which is being denied to the American people by the federal government's preempting the power of the states; and

WHEREAS, historically the states of these United States have ably demonstrated their capabilities to govern their inhabitants and retain the right to do so today; and

WHEREAS, legislators, state agencies and private citizens find it increasingly burdensome to cope with ever increasing mounds of red tape, countless complex forms, duplicative inspections, conflicting standards, and insurmountable regulations reaching into every aspect of human activity; and

WHEREAS, the enactment and signing into law of legislation requiring the promulgation of countless regulations has resulted in an alarming growth in the federal and state bureaucracies;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the President and the United States Congress cease usurping the authority of the states by passing and signing into law legislation requiring inspections and establishing standards which are duplicative of existing state laws and regulations.

Section 2. That the federal government curtail the excessive promulgation of rules and regulations which necessitate the further growth of federal and state bureaucracies.

Section 3. That the President and the United States Congress respect the separate powers reserved by the states and the right to individual freedom of choice by every citizen.

Section 4. That the Clerk of the Senate transmit a copy of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each member of the Kentucky Congressional delegation.

**SB 166,** AN ACT relating to adoption.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 199.570 is amended to read as follows:

(1) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the department except under order of the court expressly permitting inspection. Upon the entry of the final order in the case, the

clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of adoption. The clerk of the circuit court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(2) After entry of the adoption judgment, the clerk of the circuit court shall promptly report to the Department for Human Resources of Kentucky full information as called for on forms furnished by the Department for Human Resources, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Department for Human Resources shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words,"CONFIDENTIAL—Subject to copy and/or inspection only on written order of the court."

(3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in accordance with rules and regulations promulgated by the Department for Human Resources in issuing of birth certificates. If the adopted child is under eighteen years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the natural parent or parents of the child. The new birth certificate when issued shall not contain the place of birth, hospital and name of doctor or midwife. This information should be given only by an order of the court in which the child was adopted. The new birth certificate shall recite the residence of the adoptive parents as the birthplace of the child and this shall be deemed for all legal purposes to be the birthplace of the child. If no birth certificate is on file for a child born in Kentucky [or another state], the Department for Human Resources shall prepare a certificate of birth in accordance with *the information furnished the department by the clerk of the circuit court which issued the adoption order* [the regular procedure for issuing the birth certificate for a child whose original certificate is on file]. The Department for Human Resources shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section. In the event the child was born in another state, the order of adoption shall be forwarded to the Department for Human Resources of the state concerned to be changed in accordance with the laws of such state. *In the event the child was born in a foreign country, the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.*

(4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(5) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the department and the Department for Human Resources of such reversal or modification and the effect of same, and thereupon such division shall make such changes, if any, in its records as may be necessary by such reversal or modification.

**SB 172,** AN ACT relating to rabies control.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 258.005 is amended to read as follows:

As used in KRS 258.005 to 258.085 and subsections (1) and (2) of KRS 258.990, unless the context requires otherwise:

(1) "Dog" means any member of the canine family [, six (6) months of age or over];

(2) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him*;* [:]

(3) "Veterinarian" means a licensed practitioner of veterinary medicine [, accredited by the bureau of animal industry, United States department of agriculture];

(4) "Qualified person" means a person granted a permit by the *department for human resources* [state board of health] to vaccinate animals against rabies [;] and may include owners or operators of licensed kennels;

(5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the *department for human resources* [state board of health].

Section 2. KRS 258.015 is amended to read as follows:

[On or before the first of July, 1954 and of each year thereafter,] *Every* [every] owner shall have his dog *initially* vaccinated *and re-vaccinated* against rabies *at such age and intervals as is prescribed by regulation of the department for human resources.* The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the *department for human resources* [state department of health]. The vaccination certificate shall be prepared and issued in triplicate, one (1) copy to be retained by the issuing veterinarian or other qualified person, one (1) copy to be given to the owner of the dog vaccinated, and one (1) copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the *department for human resources* [state department of health]. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog. *Prior to the initial officially recorded vaccination against rabies all dogs shall be confined to the premises of the owner.*

Section 3. KRS 258.025 is amended to read as follows:

The *department for human resources* [state board of health], in its sound discretion may by such rules and regulations as it deems advisable:

*(1)* Exempt from the provisions of KRS 258.015 the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

[(2) Extend the period required for re-vaccination if a vaccine is developed which will give longer periods of immunity;]

*(2)* [(3)] Exempt from the provisions of KRS 258.015 the owners of dogs which are brought into this state for a period not to exceed thirty (30) days.

Section 4. KRS 258.085 is amended to read as follows:

A health officer or his agent shall have the authority to quarantine for a period not to exceed *180* [ ninety (90)] days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed *ten (10)* [fourteen (14)] days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the *department for human resources* [state board of health] in the manner prescribed by the rules and regulations of the *department for human resources* [state board of health].

Section 5. A new section of KRS Chapter 258 is created to read as follows:

(1) Whenever a local board of health determines or is notified by the Kentucky department for human resources that the rabies immunization level among dogs is low in the county or any portion thereof, the local health department shall sponsor and conduct mass immunization clinics at strategic locations and intervals throughout the area designated. The local health department may provide vaccine, supplies, clerical and supportive staff, and contract with veterinarians to administer the vaccine; provided, however, that if the services of veterinarians are not available in the area the local health department may contract with other qualified persons designated by the Kentucky department for human resources. Local health departments may prescribe and collect reasonable fees from each owner to help defray the cost of the clinic program, but in no event shall the fee exceed the actual cost of vaccinating the animal.

(2) Vaccination and licensing procedures may be jointly conducted at such clinics.

(3) No owner shall be required to have his dog vaccinated at a public clinic if he elects to have the dog vaccinated by a veterinarian of his choice.

Section 6. A new section of KRS Chapter 258 is created to read as follows:

Any city legislative body or fiscal court may, by the adoption of an appropriate ordinance or resolution, provide for more stringent regulation of rabies control in dogs, cats, and other animals than set forth in this chapter.

Section 7. KRS 258.045 is repealed.

**SB 195,** AN ACT relating to public assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 205.560 is amended to read as follows:

(1) The scope of medical care for which the Department for Human Resources undertakes to pay shall be designated and limited by regulations promulgated by said department, pursuant to the provisions hereof. The selection of the class or classes of medical care shall be recommended by the council to the Secretary for Human Resources after taking into consideration, among other things, the amount of federal and state funds available, the most essential needs of recipients, and the meeting of such need on a basis insuring the greatest amount of medical care as defined in KRS 205.510 consonant with the funds available including but not limited to the following categories:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization;

(b) Nursing home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician, dentist, or podiatrist;

(c) Drugs, nursing care, medical supplies and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician, dentist, or podiatrist;

(d) Physician, podiatric, dental and optometric services.

*(e) Nonprofit neighborhood health organizations or clinics where some or all of the medical services are provided by licensed registered nurses or by advanced medical students presently enrolled in a medical school accredited by the Association of American Medical Colleges and where such students or licensed registered nurses are under the direct supervision of a licensed physician who rotates his services in this supervisory capacity between two or more of the nonprofit neighborhood health organizations or clinics specified herein.*

(2) Payments for hospital care, nursing home care, and drugs or other medical, ophthalmic, podiatric and dental supplies shall be on bases which relate the amount of the payment to the cost of providing such services or supplies. It shall be one of the functions of the council to make recommendations to the Department for Human Resources with respect to such bases for payment.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments within each category of public assistance and other recipients shall be uniform for the entire state, and shall be designated by regulation promulgated within the limitations established by the Social Security Act and federal regulations. The amount of payments for units of services need not be uniform for the entire state but may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in such locale and other local economic and geographic conditions.

(5) Nothing in this section shall require that any payment be made for optometric services or ophthalmic supplies.

**SB 213,** AN ACT relating to coroners' inquests and autopsies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 72.030 is amended to read as follows:

The coroner, upon the request by any responsible citizen or if he has reason to believe the death of a human being within his county was caused by crime, suicide, drowning or other sudden cause, *or death occurs in a correctional facility operated by state or local government in his county and such death appears to have been caused by crime, suicide, drowning or other sudden cause,* or death occurs without the attendance of a physician within a period of thirty-six hours prior to death, shall investigate and hold an inquest in the county where death occurs. If death results from violence or accident within one hundred eighty days from the onset, the coroner shall hold an inquest the same as if death occurred immediately.

Section 2. KRS 72.070 is amended to read as follows:

(1) If in the opinion of the coroner it is necessary to have a post-mortem examination of a dead person during an inquest, he may employ a competent surgeon or physician for that purpose, and if he suspects poisoning he may employ a competent chemist to analyze the body or any part thereof. *Other provisions of the law to the contrary notwithstanding, if death occurs in a correctional institution operated by the state or local*

*government as provided in KRS 72.030, the coroner shall order an autopsy to be considered during the inquest.*

(2) Upon agreement of the coroner, an autopsy or post-mortem examination may be performed upon the body of a deceased person by a licensed physician or surgeon, whenever written consent thereto, duly signed and acknowledged prior to his death, has been granted by the deceased. In the absence of such consent, written or telegraphic consent for such examination shall be deemed sufficient when given by the person who assumes the duty of legal disposal of the body. If two (2) or more persons assume custody of the body, the consent of one (1) of them shall be deemed sufficient.

(3) No physician, surgeon or chemist shall be required to inquire into a coroner's authority to order an autopsy to be performed. Any licensed physician, surgeon or chemist who performs an autopsy or post-mortem examination upon request of the coroner or with the consent of any one (1) of the persons enumerated in subsection (2) shall not be liable in damages or otherwise accountable to any person therefor.

**SB 214,** AN ACT relating to vocational training for inmates.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 439 IS CREATED TO READ AS FOLLOWS:

(1) The commissioner of the bureau of corrections, may, during the last ninety days of confinement of an inmate committed to a correctional facility maintained and operated by the bureau, permit an inmate to participate in a vocational training program in the community on a voluntary basis. Such vocational training program shall be for the express purpose of permitting the inmate to improve vocational skills to assist the inmate to secure permanent employment prior to release by the bureau. The inmate shall be eligible to receive compensation while participating in a vocational training program subject to the discharge of his regular financial obligations, to include standard payroll withholding,. maintenance, support of dependents and restitution.

(2) The commissioner shall recommend reasonable rules and regulations to the secretary of justice to implement the provisions of the vocational training program.

**SB 248,** AN ACT relating to health care malpractice insurance and claims.

WHEREAS, there currently exists throughout Kentucky a crisis concerning the availability and cost of health care malpractice liability insurance; and

WHEREAS, the health care malpractice liability insurance crisis is making it increasingly difficult to bring young physicians, new hospitals, and other health care providers into Kentucky; and is making it increasingly difficult to keep physicians, hospitals, and other health care providers presently in Kentucky; and

WHEREAS, the increasing cost of health care malpractice insurance is resulting in a continuing increase in the cost of health care delivery, which cost is being borne by those Kentuckians who are ill and can least afford it; and

WHEREAS, the lack of availability of health care malpractice insurance is threatening the entire health care delivery system in Kentucky and is thereby adversely affecting the present and future health of the citizens of this Commonwealth; and

WHEREAS, the ability of the University of Kentucky and the University of Louisville to continue to provide medical education is threatened, along with the continuing ability of public hospitals in Kentucky to provide proper medical care to the indigent, and

WHEREAS, the General Assembly recognizes that the cost and lack of availability of health care malpractice insurance is affecting the health care of the people of Kentucky, and the providing of state assistance through a Patients' Compensation Fund and the providing of loans to that Fund, if necessary, is for a public purpose and within the province of the Commonwealth; and

WHEREAS, the costs of health care and health care malpractice insurance are directly affected by the amounts of settlements of claims for malpractice and the probability of using tax revenues to effect loans to the Patients' Compensation Fund is increased through such settlements, the Commissioner of Insurance should have the right and authority to approve or disapprove proposed settlements or other compromises involving the patients compensation fund in the interests of the taxpayers of the Commonwealth; and

WHEREAS, unless legislative action to alleviate this crisis is taken, the entire health care system in Kentucky will be in jeopardy and the quality of health care will suffer drastically;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. SUBTITLE 40 OF KRS CHAPTER 304 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) It is the purpose of this Act to promote the health and general welfare of the inhabitants of the Commonwealth through the adoption of reforms in health care malpractice claims, and by the establishment of the Kentucky patients' compensation fund which shall exist and operate for the public purpose of increasing the availability and lowering the cost of health care malpractice insurance, and assuring that health care malpractice judgments or settlements will be satisfied. Such purposes are hereby declared to be public purposes for which public funds may be expended.

SECTION 2. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in this Act, the following words and terms shall be defined as follows:

(1) "Health care provider" means any physician, osteopath, dentist, podiatrist, nurse or nurse's assistant, certified registered nurse anesthetist, physical or occupational therapist, or psychologist, licensed to practice health care in this state; any hospital, medical clinic, medical foundation, health maintenance organization, extended care facility, intermediate care facility, nursing home, emergency treatment center, outpatient medical or surgical center, Frontier Nursing Service, or any other facility or service licensed under any act of this state to provide health care within this state; or any officer, director, employer agent thereof; and any corporation, partnership or sole proprietorship which directly provides medical services to its employes;

(2)"Commissioner" means the commissioner of insurance;

(3) "Patient" means a natural person who receives health care from a licensed health care provider under a contract, express or implied;

(4) "Claimant" means the patient or spouse, parent, guardian, trustee, or other authorized agent of the patient;

(5) "Tort" means any legal wrong, breach of duty, or negligent or unlawful act or omission proximately causing injury or damage to another;

(6) "Malpractice" means any tort or breach of contract based on health care or professional services rendered, or which should have been rendered, by a health care provider to the patient;

(7) "Health care" means any act, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider to a patient during that patient's care, treatment, or confinement for a physical or mental condition;

(8) "Fund" means the Kentucky patients' compensation fund;

(9) "Malpractice insurer" means any insurance authority or any insurance company properly engaged in the practice of writing malpractice liability insurance under authority of the commissioner of insurance.

SECTION 3. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

In any action for damages for malpractice, the ad damnum clause or prayer for damages in any pleading shall not recite any sum as alleged damages other than an allegation that damages are in excess of any minimum dollar amount necessary to establish the jurisdiction of the court; provided, however, that all parties shall have the right to advise the trier of fact as to what amounts are fair and reasonable as shown by the evidence.

SECTION 4. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) In any malpractice action against any health care provider, no payment made or offered by or on behalf of the health care provider to the claimant to meet the reasonable expenses of health care, custodial care, loss of earnings, rehabilitation care, or other essential goods or services, shall constitute or be evidence of an admission of liability on the part of such health care provider, and no such payment or offer shall be admissible in evidence in any such action, except after a verdict for the purpose of offsetting any damages awarded. The court shall reduce the amount of any judgment for damages awarded in such malpractice action by the amount of any advance payment made by any defendant health care provider or malpractice insurer on behalf of such defendant health care provider to the claimant.

(2) In any malpractice action where there is more than one (1) defendant health care provider, and in the event an advance payment made by or on behalf of one (1) or more of said defendants exceeds the respective liability of said defendant making it, the court shall order any adjustment necessary to equate with its percentage liability the amount which said defendant is obligated to pay, exclusive of costs.

(3) In no case shall an advance payment in excess of any award of damages be repayable by the claimant.

SECTION 5. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

In any malpractice action in which more than one health care provider is named as a defendant concerning a single injury, the jury shall be instructed that it may apportion damages in different percentages against the defendants or may return a verdict of joint and several liability against two or more defendants.

SECTION 6. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

No malpractice liability shall be imposed upon any health care provider on the basis of an alleged breach of any guaranty, warranty, contract or assurance of results to be obtained from any procedure undertaken in the course of providing health care, unless such guaranty, warranty, contract or assurance is in writing and signed by the provider.

SECTION 7. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) All malpractice claims settled or adjudicated to final judgment against a health care provider shall be reported to the commissioner of insurance by the malpractice insurer of the health care provider or the health care provider if self-insured, within sixty (60) days following final settlement or disposition of the claim. The report to the commissioner shall recit the following:

(a) name and address of health care provider involved;
(b) name and address of claimant;
(c) nature of the claim;
(d) damages asserted and alleged injury; and
(e) the amount of any settlement or judgment.

(2) The commissioner of insurance shall forward the name of every health care provider against whom a settlement is made or judgment is rendered to the appropriate licensure board or regulatory agency for review of the fitness of the health care provider to practice his profession.

(3)(a) At any time before a jury is empanelled or before a trial is commenced by a court without a jury, no settlement or other compromise of any claim for malpractice shall be effective between a claimant and the fund unless the proposed settlement or other compromise shall have been approved by the commissioner.

(b) The commissioner shall prescribe by rule the procedure for submission of settlements or other compromises involving the fund.

(c) If the commissioner shall disapprove a proposed settlement or other compromise involving the fund, the claimant may thereafter pursue his interests in a court of appropriate jurisdiction and the action of the commissioner shall not be admissible upon any trial of the action.

(d) Notwithstanding the provisions of KRS 413.140, when an offer to compromise or settle has been filed with the commissioner the statute of limitations made and provided for the commencement of an action for malpractice shall not bar any such action until ninety (90) days after notice to the parties of the commissioner's disapproval of any proposed settlement or other compromise.

SECTION 8. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

In any action brought for treating, examining, or operating on a claimant wherein the claimant's informed consent is an element, the claimant's informed consent shall be deemed to have been given where:

(1) the action of the health care provider in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with the accepted standard of medical or dental practice among members of the profession with similar training and experience; and

(2) a reasonable individual, from the information provided by the health care provider under the circumstances, would have a general understanding of the procedure and medically or dentally acceptable alternative procedures or treatments and substantial risks and hazards inherent in the proposed treatment or procedures which are recognized among other health care providers who perform similar treatments or procedures;

(3) in an emergency situation where consent of the patient cannot reasonably be obtained before providing health care services, there is no requirement that a health care provider obtain a previous consent.

Section 9. KRS 311.377 is amended to read as follows:

*(1) No person who is a member, participant in or employe of, or who furnishes professional counsel or services to any committee, board, commission, professional standards review organization, or other entity which is duly constituted by any licensed hospital, medical society or association affiliated with the American Medical Association, American Podiatry Association, American Dental Association, American Osteopathic*

*Association or the American Hospital Association, or a medical care foundation affiliated with such a medical society or association, or governmental or quasi-governmental agency for the purpose of reviewing and evaluating the health care acts of other health care personnel; and no appointed member of the state health planning council; and no member of a recognized health systems agency shall be required to respond in damages for any action taken by him in good faith as a member, participant, employe, or provider of professional counsel or services to such committee, board, commission, professional standards review organization, or other entity.*

*(2) The proceedings, records, opinions, conclusions and recommendations of any committee, board, commission, professional standards review organization, or other entity, as referred to in subsection (1) of this section, shall not be subject to discovery, subpoena, or introduction into evidence, in any civil action in any court or in any administrative proceeding before any board, body, or committee, whether federal, state, county, or city.*

*(3) Nothing in subsection (2) of this section shall be construed to restrict or limit the right to discover or use in any civil action or other administrative proceeding any evidence, document or record was or could have been discovered independently of the proceedings of the committee, board, commission, professional standards review organization or other entity to which subsection (1) of thissection refers.*

*(4) No person who presents or offers evidence in proceedings described in subsection (2) of this section or who is a member of any committee, board, commission, professional standards review organization before which such evidence is presented or offered may refuse to testify in discovery or upon a trial of any civil action as to any evidence, document or record described in subsection (3) of this section or as to any information within his own knowledge except as provided in subsection (5) of this section.*

*(5) No person shall be permitted or compelled to testify concerning his testimony or the testimony of others except that of a defendant given in any proceeding referred to in subsection (2) of this section, or as to any of his opinions formed as a result of such proceeding.*

*(6) In any action in which the denial of staff privileges by any health care entity shall be in issue, agents, employees or other representatives of a health care entity may with the consent of such health care entity testify concerning any evidence presented in proceedings related to the entity's denial of such staff privileges.*

*(7) Nothing in this section shall be construed to restrict or prevent the presentation of testimony, records, findings, recommendations, evaluations, opinions or other actions of any committee, board, commission, professional standards review organization, or other entity described in subsection (1) of this section, in any statutory or administrative proceeding related to the functions or duties of any committee, board, commission, professional standards review organization, or other entity.*

[Any physician, podiatrist or dentist who serves on any committee, board, commission or other entity which is duly constituted by any licensed hospital, medical society or association affiliated with the American Medical Association, American Podiatry Association, or the American Dental Association, medical care foundation affiliated with such a medical society or association, or governmental or quasi-governmental agency for the purpose of reviewing and evaluating the medical acts of other physicians, or any appointed member of the State Health Planning Council or any member of a recognized Regional Health Planning Council shall not be required to respond in damages for any action taken by him in good faith as a member of such committee, board, commission or other entity.]

SECTION 10. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created within the department of insurance a state agency to be known as the Kentucky patients' compensation fund. The funds of the fund shall be maintained separate and apart from the general fund in a trust and agency account, and that portion thereof certified by the commissioner of insurance to the treasurer as being in excess of the immediate needs of the fund shall be invested and reinvested by the treasurer from time to time for the benefit of the fund. The management of the fund shall be vested with the commissioner, and the commissioner shall promulgate rules and regulations to implement the provisions of this section.

(2) Every physician licensed and practicing in Kentucky and every hospital located in Kentucky shall be members of the fund; and any other health care provider as defined in section 2 of this Act may be a member of the fund with the prior written approval of the commissioner. The commissioner may, upon application, grant an exception to participation in the fund by any physician who has a limited practice, or is in such special circumstances that he should not reasonably be required to participate in the fund.

(3) Each member of the fund shall acquire and maintain in force professional liability insurance of not less than one hundred thousand dollars ($100,000) per occurrence and three hundred thousand dollars ($300,000) in the aggregate for all claims occurring in any one (1) policy year, or , as an alternative, qualify as a self-insurer upon making proper application and being approved by the commissioner of insurance.

(4) Self-insurance subject to approval by the commissioner of insurance is effected by filing with the commissioner in satisfactory form:

(a) A continued undertaking by the health care provider or such other appropriate entity to pay any tort liabilities arising from malpractice claims to the first one hundred thousand dollars ($100,000) per incident and to three hundred thousand dollars ($300,000) in the aggregate for all claims occurring in any one year; and

(b) Evidence that appropriate provision exists for prompt and efficient administration of all claims; and

(c) Evidence that reliable financial arrangements, deposits or commitments exist providing coverage substantially equivalent to that afforded by a policy of insurance required in subsection (3) of this section for the payment of malpractice claims.

(5) Each member of the fund shall pay an annual assessment:

(a) The amount of assessment shall be set by the commissioner and shall not exceed per annum ten percent (10%)of the insurance premium required by subsection (3) of this section for health care providers other than hospitals, and for hospitals shall not exceed fifty dollars ($50) per bed.

(b) Every insurer affording coverage to member health care providers other than hospitals required by subsection (3) of this section shall on all policies written or renewed collect a surcharge of ten percent (10%) of the total premium or such lesser amount as determined by the commissioner, and pay the same over to the fund within thirty (30) days of collection. Such surcharge shall be exempt from premium taxes, surplus lines tax, city and county taxes, and from agents' commissions and all other administrative charges by the insurer.

(c) Prior to June 1, 1976, the commissioner of insurance shall assess each member health care provider for the pro rata part of his assessment from July 1, 1976, until the current policy in force expires. The commissioner shall determine by formula a premium that would have been charged to self-insurers and they purchased the insurance required in subsection (3) of this section and assess such self-insurers in accordance therewith; provided, however, that the premium so determined shall not be less than the average premium for all such health care providers of that classification.

(6) If the commissioner determines that a health care provider is unable to acquire the professional liability insurance required by subsection (3) of this section at a premium no greater than three hundred percent (300%) of the average premium then charged for risks of the same class and experience, or at all, and such health care provider is unable or unwilling to qualify as a self-insurer, then the commissioner may provide to such health care provider coverage within the fund for the first one hundred thousand dollars ($100,000) per occurrence and three hundred thousand dollars ($300,000) in the aggregate for all claims occurring in any one (1) policy year, and the commissioner may designate an insurance carrier to act as the servicing carrier for such health care provider and charge as a premium therefor an amount to be determined by the commissioner which shall not exceed three hundred percent (300%) of the average premium then charged for risks of the same class and experience. The number of health care providers which the commissioner may accommodate under this section shall not exceed ten (10) in any one (1) year.

(7) The purposes for which funds from the Kentucky patients' compensation fund may be expended are:

(a) The payment of a judgment against a health care provider who is a member of the fund for any judgment in a malpractice action against such a health care provider in excess of the insurance coverage required by subsection (3) of this section.

(b) A payment in settlement of a malpractice claim against a health care provider in excess of the insurance coverage required pursuant to subsection (3) of this section, provided the settlement has been approved pursuant to subsection (3) of Section 7 of this Act.

(c) All costs incurred by a servicing carrier including payment of judgment and settlements of cases and defense of cases in cases involving coverage allowed by subsection (5) of this section.

(d) Provided, however, that no funds shall be expended in payment or settlement of claims which are not covered by the basic insurance required by subsection (3) of this section; nor shall any funds be expended in payment of claims against a self-insured which would not have been covered had the self-insured acquired professional liability insurance required by subsection (3) of this section.

(8) Claim procedures with respect to claims made against the fund shall include, but not be limited to, the following:

(a) It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a health care provider who is also covered by the fund to provide an adequate defense on any claim filed that potentially affects the fund with respect to such insurance contract or self-insurance contract. The insurer shall act in a fiduciary relationship with respect to any claim affecting the fund. In any judgment affecting the fund, the commissioner may require the defendant health care provider or defendant health care providers to appeal the verdict; provided, however, that the fund shall bear the cost of such appeal when required by the commissioner.

(b) A claimant who has recovered a final judgment or an approved settlement against a health care provider who is covered by the fund shall file a claim with the fund to recover that portion of such judgment or settlement which is in excess of one hundred thousand dollars ($100,000). In the event the fund incurs liability exceeding one million dollars ($1,000,000) to any person under a single occurrence, the fund shall pay not more than one million dollars ($1,000,000) per year until the claim has been paid in full.

(c) Claims filed against the fund shall be paid in the order received within ninety (90) days after filing, unless appealed by the fund. If the fund does not have sufficient money to pay all of the claims, claims received after the funds are exhausted shall be paid out of the general fund of the Commonwealth upon certification of the obligation by the commissioner of insurance to the commissioner of the executive department for finance and administration. Any such funds drawn from the general fund shall be repaid with interest at the legal rate by the Kentucky patients' compensation fund at the earliest practical time as determined by the commissioner of insurance.

(9) All carriers providing professional liability insurance as described in subsection (3) of this section shall notify the commissioner of insurance sixty (60) days prior to the cancellation or non-renewal of insurance for any physician or hospital. The commissioner shall immediately notify the state licensing authority if any physician or hospital fails to meet the requirements of subsection (3) of this section or fails to pay an assessment within thirty (30) days of the time assessment is made. The state licensing authority shall immediately hold a hearing for the physicians or hospital to show cause why the license of the physician or hospital shall not be suspended.

SECTION 11. A NEW SECTION OF TITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

This Act shall become effective July 1, 1976, and shall apply only to malpractice occurring after the effective date.

**SB 249,** AN ACT to establish a medical malpractice liability joint underwriting association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. -SUBTITLE 40 OF KRS CHAPTER 304 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The declaration of legislative policy of this Act is as follows:

It is hereby declared by the General Assembly of the Commonwealth of Kentucky that the availability of health care liability insurance for physicians and surgeons, dentists, registered nurses, hospitals, and others engaged in providing health care is necessary for the general health and economic welfare of the people; and without such insurance, health care services may be severely curtailed; and that while the need for such insurance is increasing, the supply is not adequate and is likely to become less adequate in the future; and that present plans to provide adequate health care liability insurance in Kentucky have not been sufficient to meet the needs of our citizens. It is further declared that the commonwealth has an obligation to provide an equitable method whereby every insurer licensed to write personal liability insurance in Kentucky be required to meet this market demand. It is the purpose of this article to define this obligation and provide a mandatory program to assure an adequate supply of health care liability insurance coverage in the Commonwealth of Kentucky.

SECTION 2. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Association" means the Joint Underwriting Association established pursuant to the provisions of this chapter.

(2) "Medical malpractice insurance" means insurance as defined in KRS 304.5-070(1)(j).

(3) "Commissioner" means the commissioner of insurance.

(4) "Net direct premiums" means gross direct premiums written on the lines of insurance set forth in Section 3, subsection (1), of this Act as computed by the commissioner of insurance, less return premiums for the unused or unabsorbed portions of premium deposits.

SECTION 3. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) A temporary Joint Underwriting Association is hereby created, consisting of all insurers authorized to write and engage in writing in this state on a direct basis the following lines of insurance, as reported in the companies' annual statements:

(a) workmen's compensation;

(b) liability other than auto;

(c) private passenger auto liability;

(d) commercial auto liability;

(e) the liability portion of commercial multi-peril policies; and

(f) health insurance including pre paid hospital services contracts, and group or blanket health insurance.

Every such insurer shall remain a member of the Joint Underwriting Association as a condition of its authority to continue to transact such kinds of insurance in this state.

(2) The implementation of the operation of the Joint Underwriting Association shall become effective upon the order of the commissioner. The commissioner shall not order the association to commence underwriting operations until he, after due hearing and investigation, has determined that medical malpractice insurance cannot be made available in the voluntary market for any of the categories defined in Section 3, subsection (3)(a), (b), and (c). The Joint Underwriting Association shall remain in effect for a period of no longer than two and one-half (2 1/2) years from the date that it commences underwriting operations.

(3) For the purposes of the Joint Underwriting Association, three health care provider categories shall be established:

(a) physicians and surgeons;

(b) hospitals; and

(c) all other licensed health care providers.

The commissioner shall hold separate hearings and conduct investigations on each of the three categories of health care providers and determine for each category whether or not medical malpractice insurance is readily available in the voluntary market. If the commissioner finds that insurance is not readily available for any of the categories of health care providers, the Joint Underwriting Association shall commence underwriting operations for that category.

This Act shall not preclude any licensed health care provider from procuring medical malpractice insurance from the voluntary market.

If the commissioner determines at any time that medical malpractice insurance is readily available in the voluntary market for either (a) physicians and surgeons, (b) hospitals, or (c) all other licensed health care providers, the association shall thereby cease its underwriting operations for such category of medical malpractice insurance which he has determined is readily available in the voluntary market.

(4) The association shall, pursuant to the provisions of this Act and the plan of operation with respect to medical malpractice insurance, have the power on behalf of its members:

(a) to issue, or to cause to be issued, policies of insurance to applicants, including incidental coverages and subject to limitations as specified in the plan of operation, but not to exceed one hundred thousand dollars ($100,000) for each claimant under one (1) policy and one million dollars ($1,000,000) for all claimants under one (1) policy in any one (1) year;

(b) to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform those functions;

(c) to assume reinsurance from its members;

(d) to cede reinsurance; and

(e) to negotiate and obtain in the voluntary market medical malpractice insurance for any health care provider to whom the association has issued or caused to be issued a policy of medical malpractice insurance with the foregoing limits.

SECTION 4. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Within forty-five (45) days following the order of the commissioner implementing the operation of the association, the directors of the association shall submit to the commissioner for his review a proposed plan of operation, consistent with the provisions of this chapter.

(2) The plan of operation shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance; and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements and procedures for determining amounts of insurance to be provided by the association.

(3) The plan of operation shall be subject to approval by the commissioner after consultation with the members of the association, representatives of the public, and other affected individuals and organizations. If the commissioner disapproves all or any part of the proposed plan of operation, the directors shall within fifteen (15) days submit for review an appropriate revised plan of operation or part thereof. If the directors fail to do so, the commissioner shall promulgate a plan of operation or part thereof, as the case may be. The plan of operation approved or promulgated by the commissioner shall become effective upon order of the commissioner.

(4) Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the commissioner, or shall be made at the direction of the commissioner.

SECTION 5. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) All policies issued by the association shall be written for the term of one (1) year. The directors of the association may elect to issue policies on an occurrence basis or a claims made basis. No policy form shall be used by the association unless it has been filed with the commissioner and either (a) he has approved it, or (b) thirty (30) days has lapsed and he has not disapproved it in accordance with KRS 304, subtitle 14.

(2) Cancellation of the association's policies shall be governed by the laws and regulations governing the cancellation of other policies of casualty insurance, except that the association may also cancel any of its policies in the event of nonpayment of any stabilization reserve fund charged, by mailing or delivering to the insured at the address shown on the policy, written notice stating when not less than ten (10) days thereafter cancellation shall be effective.

(3) The rates, rating plans, rating rules, rating classifications and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to Chapter 304, subtitle 13 of the Kentucky Revised Statutes, giving due consideration to the past and prospective loss and expense experience for medical malpractice insurance written and to be written in this state, trends in the frequency and severity of losses, the investment income of the association, and such other information as the commissioner may require. All rates shall be on an actuarially sound basis, giving due consideration to the group retrospective rating plan and the stabilization reserve fund, and shall be calculated to be self-supporting. The commissioner shall make available to the association the loss and expense experience of insurers previously writing medical malpractice insurance in this state.

(4) All policies issued by the association shall be subject to a nonprofit group retrospective rating plan to be approved by the commissioner, under which the final premium for all policyholders of the association as a group will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses and a reasonable management fee on policyholder supplied funds. The standard premium before retrospective adjustment for each policy issued by the association shall be established on the basis of the association's rates, rating plans, rating rules, rating classifications, and territories then in effect. The maximum final premium for all policyholders of the association as a group shall be limited as provided in subsection (4), Section 6 of this Act. Since the business of the association is subject to the nonprofit group retrospective rating plan required by this subsection, there shall be a presumption that the rates filed and premiums for the business of the association are not excessive.

(5) The commissioner shall examine the business of the association as often as he deems appropriate to assure that the group retrospective rating plan is being operated in a manner consistent with this section. If he finds that it is not being so operated, he shall issue an order to the association, specifying in what respects its operation is deficient and stating what corrective action shall be taken.

(6) The association shall certify to the commissioner the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum final premium for all policyholders of the association. Within sixty (60) days after such certification, the commissioner shall authorize the members of the association to commence recoupment of their respective shares of the deficit by applying a surcharge to be determined by the association at a rate not to exceed two percent (2%) of the annual premiums on future policies affording those kinds of insurance which form the basis for their participation in the association under procedures established by the association. The association shall amend the amount of its certification of deficit to the commissioner as the values of its incurred losses become finalized, and the members of the association shall amend their recoupment procedure accordingly.

(7) In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in subsection (6) of this section, all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in Section 8. Any such contribution shall be reimbursed to the members by recoupment as provided in subsection (6) of this section.

SECTION 6. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a stabilization reserve fund which shall be administered by three directors, one of whom shall be the commissioner or his deputy. The remaining two directors shall be appointed by the commissioner. One shall be a representative of the association; the other a representative of its policyholders. The directors shall serve without salary, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties when approved by the commissioner.

(2) Each policyholder shall pay to the association a stabilization reserve fund charge equal to one-third of each premium payment due for insurance through the association. Such charge shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.

(3) The association shall promptly pay to the trustee of the fund all stabilization reserve fund charges which it collects from its policyholders and any retrospective premium refunds payable under the group retrospective rating plan authorized by this Act.

(4) All monies received by the fund shall be held in trust by a corporate trustee selected by the directors. The trustee may invest the trust fund, subject to the approval of the directors. All investment income shall be credited to the fund. All expenses of administration of the fund shall be charged against the fund. The trust fund shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan authorized by this Act. Payment of retrospective premium charges shall be made by the directors upon certification to them by the association of the amount due. If the trust fund is finally exhausted in payment of retrospective premium charges, all liability and obligations of the association's policyholders with respect to the payment of retrospective premium charges shall thereupon terminate and shall be conclusively presumed to have been discharged. Any monies remaining in the fund after all such retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the directors.

SECTION 7. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Any licensed physician, hospital, or other licensed health care provider shall, on or after the effective date of the plan of operation, be entitled to apply to the association for medical malpractice insurance coverage. Such application may be made on behalf of an applicant by an agent authorized by the applicant.

(2) If the association determines that the applicant meets the underwriting standards of the association as prescribed in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance, then the association, upon receipt of the premium or such portion thereof as is prescribed in the plan of operation, shall cause to be issued a policy of medical malpractice insurance.

SECTION 8. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

All insurers which are members of the association shall participate in its writings, expenses, servicing, allowance, management fees, and losses in the proportion that the net direct premiums of each such member, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year, bears to the aggregate net direct premiums written in this state by all members of the association. Each insurer's participation in the association shall be determined annually on the basis of such net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the insurer with the commissioner.

SECTION 9. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The association shall be governed by a board of thirteen (13) directors. Five (5) directors shall be elected by the insurance companies which are members of the association, at a meeting of the member companies at a time and place designated by the commissioner, by cumulative voting of the member companies, whose vote shall be weighted in accordance with each member's net direct premiums written during the preceding calendar year. One of these five (5) directors shall be from a member company domiciled in Kentucky. The commissioner shall appoint seven (7) directors, one (1) named by the Kentucky Medical Association; one (1) named by the Kentucky Bar Association; one (1) named by the Kentucky Hospital Association; one (1) who is a licensed resident property and casualty agent in Kentucky; and three (3) knowledgeable members of the public at large, who have no interest in any of the foregoing categories. The commissioner or his designee shall serve as a director.

SECTION 10. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Any applicant to the association, any person insured pursuant to this Act, or their representatives, or any affected insurer, may appeal to the commissioner within thirty (30) days after any rule, action, or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters.

(2) All orders of the commissioner made pursuant to this article are subject to appeal to the Franklin Circuit Court in accordance with KRS 304, subtitle 2.

SECTION 11. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The association shall file in the office of the commissioner annually, on or before the first day of each March, a statement containing information with respect to its transaction, condition, operations, and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed and shall be in such form as is approved by the commissioner. The commissioner may at any time require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation, and experience of the association.

SECTION 12. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The commissioner shall make an examination into the affairs of the association at least annually. Such examination shall be conducted and the report thereon filed in the manner prescribed in KRS 304, subtitle 2. The expenses of such examinations shall be paid by the association in the manner prescribed by that said chapter.

SECTION 13. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

There shall be no liability on the part of, and no cause of action of any nature shall arise against the association, the commissioner or his authorized representatives or any other person or organization, for any statements or actions made in good faith by them during any proceedings or concerning any matters within the scope of this Act.

SECTION 14. A NEW SECTION OF SUBTITLE 40 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

No member of the board of directors of the stabilization reserve fund who is otherwise a public officer or employe shall suffer a forfeiture of his office or employment or any loss or diminution in the rights and privileges appertaining thereto, by reason of membership on the board of directors of the stabilization reserve fund.

The Committee on Highways and Traffic Safety reported **HB 728** and **HR 74** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 728,** AN ACT relating to traffic regulations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 189.580 is amended to read as follows:

(1) Any person who, while operating a vehicle on a highway, runs against or over, any other [person,] vehicle or personal property, in possession of any other person in such a manner as to [injure the other person or] damage the property, shall immediately stop and ascertain the extent of the [injury or] damage and render such assistance as may be needed [, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant]. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, *or the owner of the property* [or person struck], if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner *or* [, the occupants and] operator. The total names need not exceed five in number.

*(2) Any person who, while operating a vehicle on a highway, runs against or over, any other person, in such a manner as to injure the other person, shall immediately stop and ascertain the extent of the injury and render such assistance as may be needed, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five (5) in number.*

*(3)* [(2)] The operator of a vehicle involved in an accident resulting in injury to or death of any person or in which total property damage of two hundred dollars or more is sustained shall, within ten days, report the matter in writing to the department of transportation.

*(4)* [(3)] Whenever the operator of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident who is capable of making a report, that occupant shall make the report or cause it to be made.

*(5)* [(4)] The State Police may require the operator to file supplemental reports whenever the original report required by subsection (2), is, in its opinion, insufficient. It may also require witnesses of accidents to render reports to the State Police.

Section 2. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.390, except paragraph (c) of subsection (4), KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570 to 189.630, except subsections (1) *and (2)* of KRS 189.580, shall be fined not less than $10.00 nor more than $100 for each offense. Any person who violates subsection (1) of KRS 189.580 shall be *guilty of a class B misdemeanor. Any person who violates subsection (2) of KRS 189.580 shall be guilty of a class D felony* [fined not less than $10.00 nor more than $2,000 or imprisoned in the county jail for not more than one (1) year, or both]. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than $1.00 nor more than $20.00. Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2) (a) Any person who violates the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 or 189.271 shall, upon conviction, be fined in an amount equal to two cents (2¢) per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents (3¢) per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents (5¢) per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents (7¢) per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents (9¢) per pound when the excess exceeds 5,000 pounds but in no case shall the fine be less than $50.00 nor more than $500.

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the bureau of vehicle regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than $5.00 nor more than $50 for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than $5.00.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than $25.00 nor more than $200.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than $15.00 nor more than $100.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than $15.00 nor more than $100.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than $500 or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than $5.00 in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than $10.00 nor more than $50.00.

(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than $100 nor more than $500; for the second offense, a fine of not less than $100 nor more than $500 and imprisoned for not less than three (3) days nor more than six (6) months; for each subsequent offense he shall be fined not less than $100 nor more than $500 and imprisoned for not less than thirty (30) days nor more than twelve (12) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than $25.00 nor more than $100.

(10) Any person who violates KRS 189.530 shall be fined not less than $25.00 nor more than $100 or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than $10.00 nor more than $100 for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than $20.00 nor more than $100 for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than $10.00 nor more than $100 for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding $25.00.

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than $10.00 nor more than $100 for each offense.

(17) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than $15.00 nor more than $200, or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than $100 nor more than $500. Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than $25 nor more than $500, or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than $50 nor more than $1,000, or by both such fine and imprisonment.

(20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157(2).

(21) A person who elects to operate a bicycle in accord with any regulations adopted pursuant to KRS 189.287 and who willfully violates a provision of such a regulation shall be fined not more than one hundred dollars ($100). A person who operates a bicycle without complying with any regulations adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for violation of the latter.

(22) Any person who violates this section shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

**HR 74,** A CONCURRENT RESOLUTION requesting the Department of Transportation, the Department of Commerce and the Department of Public Information to place the community of Betsy, in Wayne County, on the maps of Kentucky, and further requesting the Department of Public Information to inform all issuers of private maps to place Betsy, in Wayne County, on the maps of Kentucky issued by them.

WHEREAS, the community of Betsy, in Wayne County, contains a post office which serves some eighty (80) families; and

WHEREAS, Betsy is the site of two churches which serve the community; and

WHEREAS, the community of Betsy has sent two representatives to the state legislature;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Department of Transportation, the Department of Commerce and the Department of Public Information be and are hereby requested to place the community of Betsy, in Wayne County, on the maps of Kentucky issued by them.

Section 2. That the Department of Public Information be and is hereby requested to inform all issuers of private maps, such as gas and oil companies to place the community of Betsy, in Wayne County on the maps of Kentucky issued by them.

The Committee on Labor and Industry reported **HB 682, HB 773** with Committee Amendment attached thereto, **SB 32,** and **SB 200** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 682,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.040 is amended to read as follows:

Except as provided in KRS 342.020 [no] compensation shall be payable [for the first seven days of disability unless disability continues for a period of more than two weeks in which case compensation shall be allowed] from the first day of disability. All compensation shall be payable on the regular pay day of the employer, commencing with the first regular pay day after seven days after the injury or disability resulting from an occupational disease, with interest at the rate of six percent per annum on each installment from the time it is due until paid. In no event shall income benefits be instituted later than the 15th day after the employer has knowledge of the disability or death. Benefits shall be due and payable not less often than semimonthly. If the employer should terminate, or fail to make payments when due, the employer shall notify the board of such termination or failure to make payments and the board shall, in writing, advise the employe or known dependent of right to prosecute a claim under this chapter.

**HB 773,** AN ACT relating to prevailing wages for construction of public works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 337.505 is amended to read as follows:

For the purpose of KRS 337.505 to 337.550, the term "prevailing wage" for each classification of laborers, workmen, and mechanics engaged in the construction of public works within the commonwealth of Kentucky, means the sum of:

(1) The basic hourly rate paid or being paid subsequent to the labor commissioner's most recent wage determination to the majority of laborers, workmen, and mechanics employed in each classification of construction upon reasonably comparable construction in the locality where the work is to be performed; such rate shall be determined by the commissioner in accordance with paragraphs (a), (b), and (c) of subsection (3) of KRS 337.520; in the event that there is not a majority paid at the same rate, then the basic hourly rate of pay shall be the basic hourly rate of pay paid to the greater number: Provided, such greater number constitutes 30 per cent of those employed; or in the event that less than 30 per cent of those employed receive the same rate, then the basic hourly rate of pay shall be the average basic hourly rate which shall be determined by adding the basic hourly rates paid to all workers in the classification and dividing by the total number of such workers, and

(2) An additional amount per hour equal to the hourly rate of contribution irrevocably made or to be made by an employer on behalf of employes within each classification of construction to a trustee or to a third person pursuant to an enforceable commitment to carry out a financially responsible plan or program, *which plan or program shall meet the requirements of the employee retirement income security act of 1974,* which was communicated in writing to the employes affected, for the following fringe benefits: Medical or hospital care, pensions on retirement, death compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, defraying costs of apprenticeship or other similar programs, or other bona fide fringe benefits, [but only where the employer is not required by other federal, state or local law to provide any of such benefits: Provided, said additional amount may, at the discretion of the employer, be paid either in cash to the employe or by contributions for fringe benefits, or partly in cash and partly by such contributions,] it being the intention of this subsection to recognize fringe benefits as a part of the prevailing wage rate where made in accordance with this subsection.

*(3) The additional amount described in subsection (2) shall be paid only by contributions for fringe benefits and an employer is hereby prohibited from paying said additional amount in cash directly to the employe.*

Section 2. KRS 337.520 is amended to read as follows:

(1) The commissioner shall make initial determinations and current revisions thereof of schedules of rates of prevailing wages, of the amount of fringe benefits included therein as defined in KRS 337.505, and the number of hours applicable thereto. *All prevailing wages shall contain an amount for fringe benefits as*

*described in KRS 337.505(2).* The commissioner shall have the authority to make and revise such rules and regulations as he may deem appropriate to carry out the provisions and purposes of KRS 337.505 to 337.550 and to prevent the circumvention or evasion thereof. Such rules and regulations may include but shall not be limited to a provision that each contractor and subcontractor shall furnish weekly a sworn affidavit with respect to the wages paid each employe during the preceding week and such other relative information and in such form as the commissioner may require. No rule or regulation or revisions thereof shall be issued by the commissioner except upon reasonable notice to, and opportunity to be heard by, any interested person.

(2) The commissioner shall require the filing of all wage contracts of all laborers, workmen, and mechanics in this state which have been agreed to between bona fide organizations of labor and an employer or associations of employers. Such contracts shall be filed within ten (10) days after they are signed.

(3) The commissioner shall have the authority to determine schedules, and current revisions thereof, of the rates of prevailing wages as defined in KRS 337.505, but in no case shall the commissioner determine wages to be paid for a legal day's work to laborers, workmen, and mechanics engaged in the construction of public works at less than the prevailing wages paid in the localities. The commissioner in determining what rates of wages prevail shall consider the following criteria:

(a) Wage rates paid on previous public works constructed in the localities. In considering such rates the commissioner shall ascertain, insofar as practicable, the names and addresses of the contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed on each project and the respective wage rates paid each worker who was engaged in the construction of these projects.

(b) Wage rates previously paid on reasonably comparable private construction projects constructed in the localities. In considering such rates the commissioner shall ascertain, insofar as practicable, the names and addresses of the contractors including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed on each project and the respective wage rates paid each worker who was engaged in the construction of these projects.

(c) Collective bargaining agreements or understandings between bona fide organizations of labor and their employers located in the commonwealth of Kentucky which agreements apply or pertain to the localities wherein the public works are to be constructed.

(4) The wage rates to be used by the public authority in a contract for the construction of public works shall be the prevailing wage as of the date the public works project is advertised and offered for bid. If contracts are not awarded within ninety (90) days after the date of offering for bid the public authority shall ascertain the prevailing rate of wages from the department before the contract is awarded. The schedule or scale of prevailing wages shall be incorporated in and made a part of each contract.

(5) The commissioner shall have the authority to make regulations authorizing the employment of apprentices and trainees in skilled trades at wages lower than the applicable prevailing wage.

The Committee Amendment to **HB 773** is as follows:

Amend printed copy of **HB 773,** page 2, line 23, by removing the bracket " [" before the word "but"

and on line 25, by inserting a bracket " [" before the word "Provided"

**SB 32,** AN ACT relating to unemployment compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 341.090 is amended to read as follows:

As used in this chapter, unless the context clearly requires otherwise:

(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of a worker's benefit year.

(2) "Benefit year" for any worker means the fifty-two week period beginning with the first day of the week with respect to which he first requests a determination which establishes his status as a fully insured worker after the termination of his last preceding benefit year, if any, except that the last preceding benefit year shall be a fifty-three week period if fifty-two weeks would result in the overlapping of any calendar quarter of the base period of the new benefit year with the same calendar quarter of the base period of the previous benefit year. As used in this subsection, a worker shall be considered as having insured status, without regard to any other provision of this chapter, if at the time of his request he has satisfied the conditions required under subsection (5) of KRS 341.350.

(3) "Base-period wages" means the wages paid to a worker during his base period by subject employers for covered employment. The commissioner *shall* [may], *upon request of employe,* with respect to this subsection, consider wages payable to mean wages paid, *if necessary to make the employe meet the earnings requirement in KRS 341.350* in order to prevent inequities in particular cases.

**SB 200,** AN ACT relating to professional negotiations for elementary and secondary school certificated personnel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Board" means the board of education of a school district as defined in KRS 160.160.

(2) "Employe" means those persons holding positions requiring certificates referred to in KRS 161.020 through 161.120 who are below the rank of superintendent and assistant, associate or deputy superintendent and employed by the board.

(3) "Administrator" means a certificated person who devotes the majority of his employed time to evaluating or supervising teachers or recommending personnel for employment or discharge.

(4) "Association" means an organization of employes, or administrators or both.

(5) "Contract" means a professional negotiation agreement entered into by a board and an association.

(6) "Grievance" means a claim made by an employe, an association or a board alleging a violation of the terms of the contract.

SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

The General Assembly hereby declares that the passage of this Act is not intended to abridge the constitutional authority of boards and, no arbitrator or mediator can render an award or decision that shall cause such abridgement. It is further declared that this Act is intended to establish procedures requiring boards and associations to negotiate in good faith.

SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) On or after the effective date of this Act in each school district where at least one association exists, the board shall accept written requests for recognition from associations in the district seeking to be the exclusive representative of all certified personnel, all teachers, or all administrators in the district for purposes of professional negotiations. Any contract or negotiated agreement in effect prior to the effective date of this Act shall remain in force until such time said contract or agreement terminates or is amended under provisions of this Act.

(2) Associations seeking recognition by the board must submit as a part of the written request for recognition, an affidavit stating:

(a) That the request is on behalf of the membership of the association. If the request is from an association composed of both teachers and administrators, the affidavit shall state whether or not separate bargaining rights are desired by a teacher unit, an administrator unit, or both, as set forth in subsection (3) of this section.

(b) That the association represents more than fifty percent of certificated personnel or teachers or administrators, as the case may be, employed within the district by the board.

(c) The total number of members of the association.

(d) That the total number of members claimed is in good standing with the association.

(e) That the members in good standing voted to determine whether or not the association should request the board to recognize the association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district for the purpose of collective bargaining.

(f) That the results of the vote indicated that a majority of the members voted in favor of said representation.

(3) Teachers and administrators may bargain through separate associations or they may bargain jointly or separately through a single association to which all certificated personnel are eligible to belong.

(4) If separate bargaining rights are desired within an association to which all certified personnel are eligible to belong, a teacher unit, an administrator unit, or both may be organized within the structure of the association. The association shall in such event include in its request for recognition a statement informing the board that a teacher unit, an administrator unit, or both shall require separate bargaining rights.

(5) Upon receipt of a request for recognition the board shall notify the chief elected officer of each association, and employes in general, in the school district of the request and shall grant such associations and

employes in general of the right to challenge any request prior to recognition of an association by the board. Challenges must be submitted within twenty-one (21) calendar days from receipt of notice from the board and such challenge must be in the form of a request. Said request shall be accompanied by a statement listing the total number of members in the challenging association, the fact that said members are in good standing and the fact that they constitute fifteen percent (15%) of the certificated personnel in the challenged unit or accompanied by a petition requesting a secret ballot election signed by fifteen percent (15%) of the certificated personnel in the unit. Even though the original request for recognition is for recognition for both a teacher unit and an administrator unit, the challenge may be directed to one or the other.

(6) If the board receives only one request for recognition, the board shall within twenty-one (21) days issue a written statement of recognition to the association, establishing such association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district, as the case may be, for purposes of professional negotiation; provided, however, that in the event the board in good faith questions whether or not the association represents more than fifty percent of certificated personnel, or teachers or administrators, as the case may be, employed within the district by the board, the board shall not be required to issue its statement of recognition to the association unless and until such percentage representation has been verified, and when a teacher unit or an administrator unit qualifies for separate negotiating rights within an association, the written statement of recognition to the association shall so state.

(7) If the board receives a challenge and request for secret ballot election for recognition of an association as representative of all certificated personnel in the teacher unit or administrator unit or both, the board shall verify that the challenge is accompanied by the requisite number of members or signatures in the challenged unit. Said verification shall be completed within a period of twenty-one (21) days after the receipt of challenge. Upon completion of the verification, the board shall fix a date for the secret ballot election which date shall not be later than thirty (30) days from the date of completion of verification. Said election shall be conducted during school hours on school premises by the Office of the Superintendent of Public Instruction. The cost of said secret ballot election shall be borne equally by the participating associations whose names shall be listed on the ballot in alphabetical order together with a separate listing for "no association". If a plurality of votes are cast for no association, no association shall be recognized as exclusive representative of the certificated personnel in the unit and no association shall be permitted to petition for such recognition, regardless of membership, for a period of twenty-four (24) months from the date on which said secret ballot election was held. In the event one of the associations listed on the ballot has a majority of ballots cast, that association shall be certified as the exclusive representative for all of the certificated personnel in the unit and shall remain the exclusive representative for a period of twenty-four (24) months from June 30 following the date of said election and no other qualification shall be required for such period.

SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

A board's recognition of an association for purposes of collective bargaining shall be for a period of two (2) years, beginning and ending on June 30. The term of a collective bargaining agreement shall be negotiated by a board and an association, but in no case shall the term of the agreement extend beyond the period of recognition. An association may request renewal of recognition within sixty (60) calendar days before termination of the existing recognition agreement. Upon receipt of said request for renewal, the board shall notify all other associations, and all employes who might desire to be represented by no association, within the district as in subsection (5) of Section 3 of this Act. If a request for renewal of recognition is submitted, it shall include as a part thereof an affidavit containing the same information as required by subsections (2), (3), and (4) of Section 3 of this Act. If no challenges to the request for renewal are received by the board from another association or from employes desiring to be represented by no association who constitute fifteen (15) percent of the certificated personnel in the unit, the board shall at a time no later than twenty-one (21) days, issue a written statement of recognition. If the request for renewal is challenged, the board shall follow procedures set forth in subsection (7) of Section 3 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Upon receipt of an uncontested request or upon receipt of election certification from the Office of the Superintendent of Public Instruction designating the association which wins an election, the board shall, at its next meeting, recognize such association as the exclusive representative of employes, administrators or employes who are not administrators, whatever the case may be, for purposes of this Act, for a period of two (2) years.

SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The association and board shall appoint bargaining teams for purposes of meeting and bargaining.

(2) Agreements between the recognized association and the board that have been reached through bargaining shall be in written form and subscribed to by the duly authorized representatives of the board and the association. All such agreements shall become part of the official minutes of the board and the collective bargaining agreement.

(3) The recognized association and the board shall, if either party so requests, discuss and bargain with each other concerning policies relating to working conditions, salaries and salary schedules.

(4) The association and the board shall, if either party so requests, meet and hold good faith discussion on curriculum, in-service training, all other personnel policies, and other matters which affect the quality of the educational program. Such matters may be bargained only if mutually acceptable to the association and the board.

(5) The association and the board shall, at all times, bargain with each other in good faith.

(6) Boards and associations reaching agreements shall adopt a grievance procedure.

SECTION 7. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Collective bargaining in a school district shall occur when the recognized association or the board requests same. Such bargaining shall be completed within ninety (90) calendar days of the original request or by an earlier date if agreed to by the recognized association and the board. If agreement upon the matter being negotiated has not been reached by the end of the ninety (90) day period, or by the date agreed upon by the association and the board, an impasse shall be presumed to exist, and the procedure for resolving an impasse as outlined in Section 8 of this Act shall be employed. Either party may, when acting in good faith, declare an impasse to exist at any stage of bargaining.

(2) Once a matter has been bargained that same matter shall not be subject to bargaining for a period of twelve (12) months from the date bargaining commenced. However, the parties may mutually agree to reopen negotiation on any matter at any time.

SECTION 8. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Upon declaration of impasse by either party or upon failure of the parties to complete bargaining before deadlines set forth in this Act and in the collective bargaining agreement, the following procedure for resolution of the impasse shall be employed. Within seven (7) calendar days the board and the recognized association shall agree upon and appoint a mediator. If at the termination of the above-mentioned time period a mediator cannot be agreed upon and appointed the party that declared the impasse shall immediately notify the Superintendent of Public Instruction, who within ten (10) calendar days of receipt of said notification shall appoint a mediator. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. Provided, that the mediator may, without the consent of both parties, make findings of fact or recommend terms of settlement. Unless both parties agree to a longer period, said mediator shall have fifteen calendar days in which to assist the parties in reaching agreement on the matter that has led to impasse.

(2) If the mediator's efforts do not result in the parties reaching agreement, the second step for resolving impasse shall commence in the following manner: The board and the recognized association shall within ten (10) calendar days from the expiration of the mediator's working period each select one person to serve on a fact finding committee. A third person who shall serve as committee chairman shall be selected jointly by the other two committee members. No committee member shall be a member of the board or the association. If within ten (10) calendar days from their appointment the two committee members are unable to agree upon the choice of a chairman, the party that declared the impasse shall so notify the circuit court of the county in which the board is located, which shall appoint a chairman within ten (10) calendar days of receipt of notification. The committee members shall investigate, make findings of fact, and after consultation and vote, recommend a solution. The written findings and recommendations of the committee shall be presented to the parties within thirty (30) calendar days from the time the chairman is appointed. Such recommendations shall be advisory only.

(3) The board shall adopt or reject the recommendations of the fact finding committee at its next regular meeting or by a date agreed to by the recognized association and the board.

SECTION 9. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Certificated personnel shall have the right to join or not to join any association for their professional or economic improvement.

SECTION 10. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

In negotiations or other procedures authorized by this Act, boards and associations shall have the right to representatives of their choice.

SECTION 11. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) It shall be unlawful for any person or association or other organization or agency not an employe to participate in a strike or work stoppage, including a slowdown, walkout, sickout or other actions disrupting the orderly and continuous conduct of the public schools.

(2) No retaliatory or discriminatory action shall be taken by any board against any employe for lawfully participating in procedures authorized by this Act.

(3) Membership or non-membership shall not be made a condition of employment or promotion, nor shall it be the basis for discrimination or favorable treatment of any kind.

SECTION 12. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The salary of any employe who violates subsection (1) of Section 11 of this Act shall be reduced by an amount equal to three (3) days of salary for each day of said violation; and, the amount of said reductions shall be retained by the Board, and in no case shall such reduction be refunded to the employe, or be subject to any waiver or negotiation whatsoever. Violations of this provision shall likewise be grounds for suspension, loss of tenure or dismissal.

(2) Any person, association or other organization or agency not an employe who violates subsection (1) of Section 11 of this Act shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each day of said violation, and in no case shall such fine be waived or suspended or subject to any negotiation whatsoever.

The Committee on Judiciary Statutes reported **HB 646,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute for **HB 646** is as follows:

**HB 646,** AN ACT relating to the prohibition of restraints of trade and monopolistic practices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) Every contract, combination in the form of trust and otherwise, or conspiracy, in restraint of trade or commerce in this commonwealth shall be unlawful, and in violation of KRS 367.170.

(2) It shall be unlawful and a violation of KRS 367.170 for any person or persons to monopolize, or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce in this commonwealth.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

In addition to the penalties contained in KRS 367.990, the attorney general, upon petition to the court, may recover, on behalf of the commonwealth a civil penalty of not more than the greater of five thousand dollars ($5,000) or two hundred dollars ($200) per day for each and every violation of Section 1 of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) No provision of Section 1 shall be construed to make illegal the activities of any labor organization, agricultural or horticultural cooperative organization, or consumer organization, or of individual members thereof which are directed solely to labor, agricultural or consumer objectives which are legitimate under the laws of this commonwealth or the United States.

(2) Section 1 shall not apply to activities authorized or approved under any federal or state regulatory scheme to the extent that such regulatory law as applied to these activities is so comprehensive that enforcement of Section 1 would be either unnecessary to effect the purposes of this Act, in light of the existing regulatory structure, or disruptive of that regulatory structure due to a plain repugnancy between Section 1 and the regulatory provisions.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **SB 156, SB 320, SB 369, SB 359.**

## Report of Committees (continued)

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day, March 12, 1976: **HB 120, HB 187, HB 249, HB 286, HB 464, HB 626, HCR 65, SB 110, HB 175, HB 246, HB 292, HB 322, HB 459, HB 547, HB 595, HB 602, HB 690, HB 645, HB 651, HB 688, HB 709, HB 719, HB 738, HB 740, HB 741, HB 759, HB 760, HB 762, HB 763, HB 765, HB 778, HB 783, HB 774, HB 799, HB 805, HB 806, HB 809, HB 816, HB 818, HB 838, HB 842, HJR 73, HCR 84, HR 87, HR 100, HJR 50, SB 89.**

The Committee on Rules reported the following Bills and Resolutions have been recommitted:

Judiciary-Statutes: **HB 123, HB 350, HB 734, HB 720, HB 756, HB 808.**

State Government: **HB 425, HB 473, HB 701, HB 324, HB 460.**

Agriculture and Natural Resources: **SB 155.**

## Calendar

**HB 620, HB 629, HB 656, HB 793, HB 792, SB 1, SB 187, SB 203, SB 258, SB 277, SB 279, HB 584, HB 737** with Committee Substitute attached thereto, **SB 27, HB 611** with Committee Amendment attached thereto, **HB 814, HB 746, HB 764, HB 815, HCR 68, SB 23** with Committee Amendment attached thereto, **SB 25, SB 70, SB 184, HB 665, HB 822, HR 94, SB 226** with Committee Amendment attached thereto, **SB 242, HB 531, HB 722, HB 723, HB 817, SB 95** with Committee Amendment attached thereto, **SB 171** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

## Orders of the Day

**HB 149** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **HB 149** be passed.

Representative Hughes moved that **HB 149** be laid on the table.

On the roll call the vote was yeas 44-B. Adams, J. Allen, W. Allen, Bendl, Blythe, Brinkley, Brown, Clapp, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Foster, Gray, Guenthner, Head, Holloway, Hughes, Hurst, Isler, Kidd, LeMaster, Lindsay, Little, May, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Pearl, Priddy, P. Richardson, Romines, Siler, Thomas, J. Turner, Wright, Yates. Nays 40-Ackerson, A. S. Adams, Arnold, Beshear, Bevins, Blair, Boatwright, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, DeFalaise, DeMarcus, Fitzgerald, Givhan, Hardwick, Holbrook, Hopkins, Jones, Kenton, Kleier, Mason, Morris, Overstreet, Rattliff, Richards, B. Richardson, Robinson, Schmidt, Siemens, Stephens, Tobin, R. Turner, Vincent, Wells, White, Wible, Wooden.

The motion that **HB 149** be laid on the table was adopted.

**HB 575** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wooden moved that **HB 575** be passed.

On the roll call the vote was yeas 61-Ackerson, B. Adams, Bendl, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Bruce, Carpenter, Clarke, Craddock, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Floyd, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kidd, King, Kleier, LeMaster, Lindsay, Little, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Rattliff, Richards, P. Richardson, Schmidt, Siemens, Siler, Tobin, Thomas, J. Turner, R.

Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 17-J. Allen, W. Allen, Brown, Burnette, Clapp, Cooper, Dawahare, DeMarcus, Denham, Doss, Gray, Head, Jones, Mason, B. Richardson, Robinson, Stephens.

**HB 575** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 575** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

Announcing passage of **SB 367, SB 343, SB 265, SB 221, SB 309, SB 241, SB 330, HB 255, HB 457, HB 569, HB 485,** and **HB 208** with Amendment.

## Orders of the Day (continued)

**HB 108** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holloway moved that **HB 108** be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Fitzgerald.

**HB 108** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 108** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 98**, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved the adoption of the Committee Substitute for **HB 98.** Agreed.

Representative McGill moved that **HB 98,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 72-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 2-Fitzgerald, Hurst.

**HB 98,** by way of Committee Substitute, was passed.

Representative McGill moved the adoption of the following Title Amendment to **HB 98:**

Amend printed copy of **HB 98**, by changing the title from: "AN ACT relating to decedents' estates." to: "AN ACT to probate and related matters."

The Title Amendment to **HB 98** was adopted.

Representative B. Richardson moved that the vote by which **HB 98,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 234** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved the adoption of the following Floor Amendment No. 1 to **HB 234:**

Amend printed copy of **HB 234,** page 1, line 9, delete "or"

page 1, line 10, delete "committee"

page 1, line 12, delete "or committee"

page 1, line 17, delete "or committee"

page 1, line 19, delete "or committee"

Agreed.

Representative DeFalaise moved that **HB 234,** as amended, be passed.

On the roll call the vote was yeas 71-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Overstreet, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, Siler, Stephens, Tobin, Thomas, Wooden, Wright, Yates. Nays 9-Beshear, Fitzgerald, Hancock, Head, Mason, Pearl, Siemens, Vincent, Wible.

**HB 234,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 234,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 366,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Committee Amendment to **HB 366.** Agreed.

Representative Gray moved that **HB 366,** as amended, be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mason, May, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Vincent, Wells, Wible, Wooden, Yates. Nays 3-Fitzgerald, Hughes, Little.

**HB 366,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 366,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 587,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved the adoption of the following Floor Amendment No. 1 to **HB 587:**

Amend printed copy of **HB 587,** following the enactment clause all language on pages 1-18 is deleted by bracketing out the same:

[Section 1. KRS 208.110 is amended to read as follows:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in KRS 208.010 to 208.540. The law relating to bail shall not be applicable to children detained in accordance with KRS 208.010 to 208.540.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing an offense, under the provisions of KRS 208.020 (1) (a), (b), or (c) the officer shall immediately notify the parent, or if the parent is not available, then a relative, guardian, or custodian of the child, that the child has been detained, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for the detention, and state the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a petition, warrant, or both may be issued for the apprehension of the person or of the child, or both.

(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention. [When a child is detained in any way or for any reason, there shall be a hearing held within forty-eight hours, exclusive of Sunday, of the commencement of detention to determine whether or not there is reasonable cause to believe that an offense has been committed and that the detained child committed the offense. The Commonwealth shall bear the burden of proof, and if it shall fail to establish such reasonable cause, the child shall be released and the complaint dismissed. If such reasonable cause is established, the court shall then determine whether or not the circumstances surrounding the child are such as to endanger its safety or welfare or that of the community. The Commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence. Upon such showing of proof and order of the court, the child shall be detained until such time as the court may withdraw the order for detention or make a speedy disposition in the child's best interest. Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible person pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.]

*(5) When a child is detained for the alleged commission of a public offense as defined in KRS 208.020 (1) (a), a hearing shall be held as soon as possible, but not to exceed seventy-two (72) hours, exclusive of Sunday and legal holidays, as defined in KRS 2.015 of the commencement of detention. At the detention hearing, the juvenile shall possess and be advised of his right to notice of the charge, the right of privilege against self-incrimination, and the right to counsel. At the hearing, heresay evidence shall be admissible. The hearing shall address the following issues:*

*(a) If there is probable cause to believe that an offense has been committed and that the accused child has committed that offense, the Commonwealth shall bear the burden of proof; and*

*(b) What degree of control and security is necessary to assure the safety of the child, protection of the community and the appearance of the child in court.*

*(6) In determining the degree of control and security, the court shall consider but is not limited to:*

*1. The seriousness of the alleged offense;*

*2. The likelihood that the child would commit an offense dangerous to himself or the community pending disposition of the original offense;*

*3. The child's prior record of court appearances, if any;*

*4. Whether the child is being held for another jurisdiction.*

*(7) If, after completion of the detention hearing, the court is of the opinion to order detention, the order shall articulate the reasons for detention and the nature of the detention based upon the conclusions of the detention hearing.*

*(8) When a child is detained in any manner for the alleged commission of an offense as defined in KRS 208.020 (1) (b) or (c), other than a public offense, a hearing shall be held as soon as possible, but not to exceed seventy-two (72) hours, exclusive of Sunday and legal holidays, as defined in KRS 2.015 of the commencement of detention. At the detention hearing, the juvenile shall possess and be advised of his right to notice of the charge, the right of privilege against self-incrimination, and the right to counsel. At the hearing, hearsay evidence shall be admissible. The hearing shall address the following issues:*

*(a) If there is probable cause to believe that an offense has been committed and that the accused child has committed that offense, the Commonwealth shall bear the burden of proof; and*

*(b) What degree of control and security is necessary to assure the safety of the child, the protection of the community, and the appearance of the child in court.*

*(9) In determining the degree of control and security, the court shall consider but is not limited to:*

*1. The availability of a parent, guardian, or responsible adult to assure the control and safety of the child;*

*2. The availability of court-appointed supervisory or probation personnel to assure the control and safety of the child;*

*3. The availability of foster care or shelter care facilities that would assure the control and safety of the child;*

*4. The availability of secure detention that would provide for the separation of the child both physically and communicatively from adult offenders and other juvenile offenders accused of committing public offenses as defined in KRS 208.020 (1) (a).*

*(10) Secure detention for status offenders is to be used in only those cases when the court is of the opinion that other alternatives are either not available or cannot provide the degree of control and safety necessary to assure the safety and security of the child. If, after the completion of the detention hearing, the court is of the opinion to order detention, the order shall articulate the reason for detention and the nature of the detention based upon the conclusions of the detention hearing.*

*(11) Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of his parent or other responsible person pending further disposition of the case. A child shall have the right to counsel at any hearing determining his right to freedom pending the disposition of his case, and his parents or other responsible person shall have a right to attend the hearing if such attendance*

*will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.*

*(12)* [(5)] Whether the child is released before or after a hearing, or is detained as the result of such a hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least *seventy-two (72)* [forty-eight] hours prior to the initial hearing on the case.

Section 2. KRS 208.170 is amended to read as follows:

*(1) If, prior to an adjudicatory hearing in the juvenile court, a child who has allegedly committed a felony offense, was 16 years of age or older, at the time of the alleged commission of the offense, or was less than sixteen (16) years old, but the offense was a class A felony or a capital offense, and the prosecution is of the opinion that the child be tried and disposed of under the regular law governing crimes, a bifurcated hearing shall be held to determine if the case merits transfer to the circuit court in which the alleged offense was committed. The hearing held to consider the transfer of a juvenile to the circuit court shall address two major considerations.*

*(a) If there is probable cause to believe that an offense was committed and that the accused child had committed that offense, and*

*(b) If it is in the best interest of the child or the community to order such a transfer, based upon but not limited to such criteria as:*

*1. The seriousness of the alleged offense to the community;*

*2. Whether the alleged offense was against person or property (greater weight being given to offenses against person);*

*3. The sophistication and maturity of a child as determined by considerations of his home, environmental situation, emotional attitude and pattern of living;*

*4. The child's prior record, including prior contacts with the juvenile justice system;*

*5. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities currently available to the juvenile justice system.*

*(2) If, after completion of the transfer hearing, the court is of the opinion to order such transfer, the order of transfer shall articulate the reasons for such transfer based upon the conclusions of the transfer hearing.*

[(1) If, during the course of any proceeding in the juvenile court, it appears to the court that there is reasonable cause to believe that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen (16) years of age or older, or was less than sixteen (16) years of age but the offense was a class A felony or a capital offense, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.]

*(3)* [(2)] When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, *it shall be instructed that* it may either return an indictment or [may] return a written report to the circuit court recommending that the child be *transferred back to the juvenile court* [committed to the department]. If the court believes that such *a transfer* [commitment] would be proper, it may order the *transfer back to juvenile court* [child committed to the department].

(b) *If the indictment is returned, the child shall be tried as an adult defendant, or the court in its discretion may order the case transferred back to the juvenile court.* [If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.]

(c) [If neither of the procedures specified in paragraphs (a) and (b) of this subsection are employed, the child shall be tried as any other defendant.]

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

(e) [Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one (21).]

Section 3. KRS 208.180 is amended to read as follows:

(1) If a child tried on a felony charge in the circuit court, under paragraph *(b)* [(c)] of subsection *(3)* [(2)] of KRS 208.170 is convicted of a felony, and sentenced to imprisonment, he shall be committed to the *custody of the Bureau of Corrections* [penitentiary], except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches twenty-one (21) years of age, the commitment to the department shall be for an indeterminate period not to exceed the age of twenty-one (21). If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one (21), the commitment shall be to the department until the age of twenty-one (21), and thereafter to the *custody of the Bureau of Corrections* [penitentiary]. In the latter case, if the child is out on parole at the time he becomes twenty-one (21), he may be transferred to supervision of adult parole officers. However, if the parole is revoked he shall be returned to the *custody of the Bureau of Corrections* [penitentiary] and shall thereafter be dealt with the same as an adult sentenced to the *custody of the Bureau of Corrections* [penitentiary].

(2) If a child tried on a felony charge in the circuit court, under paragraph *(b)* [(c)] of subsection *(3)* [(2)] of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one (21) years.

Section 4. KRS 208.230 is amended to read as follows:

In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to be encouraging, causing or contributing to the acts or conditions which bring the child within the purview of KRS 208.020 to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. In case of failure to comply with such requirement, the court may proceed against such persons for contempt of court. *The court may order the appearance of one or more parent, guardians, or custodians of the child at any court hearing involving the child.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) When a juvenile who is at least fourteen (14) years of age has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, excluding traffic violations as provided in KRS 208.020, the court in its discretion may order:

(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. It shall be appropriate to the age level and physical ability of the child and shall be combined with the counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with the child's education. The assignments to the community services work program shall be made to a governmental, non-profit community organization, or to a victim of the offense, for a specified period of time not to exceed one hundred twenty (120) hours for a juvenile adjudicated delinquent in the commission of a class A misdemeanor, not to exceed eighty (80) hours for a juvenile adjudicated delinquent in the commission of a class B misdemeanor, and not to exceed forty (40) hours for a juvenile adjudicated delinquent in the commission of an offense classified as a violation under the criminal code.

(b) The imposition of a fine for a juvenile found to have committed a misdemeanor or violation based upon the determination that this disposition is in the best interest of the child or an aid to rehabilitation. Fines shall be levied consistent with the schedule set out below when a juvenile has been found delinquent in the commission of a misdemeanant offense.

| | |
|---|---|
| Class A Misdemeanor | Maximum fine $150 |
| Class B Misdemeanor | Maximum fine $ 75 |
| Violations | Maximum fine $ 45 |

When a juvenile's disposition is to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the disposition, the fine shall be payable forthwith.

(2) When a juvenile has been ordered to comply with the provisions of paragraphs (a) or (b) of subsection (1) of this Section and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require him to show cause why he should not be held in detention for non-compliance with the court order. The court may issue an order of custody or a summons for his appearance.

(3) Following an order to show cause for failure to comply with any order or disposition of the juvenile court, unless the individual shows that his default was not attributable to an intentional refusal to obey the disposition of the court and not attributable to a failure on his part to make a good faith effort to comply with the court order, the court may order the individual detained for a term not to exceed:

30 days for any felony;

Five days if the order was imposed for the commission of a class A misdemeanor;

Three days if the order was imposed for the commission of a class B misdemeanor;

Two days if the order was imposed for the commission of a violation;

Repeated failure to comply shall constitute a separate contempt.

(4) When it is the opinion of the court that the dispositions stated above in paragraphs (a) and (b) of subsection (1) of this Section are inadequate to aid in the rehabilitation of the juvenile misdemeanant offender, the court in its discretion may order a juvenile who has been adjudicated delinquent in the commission of an offense classified as a misdemeanor confined for periods as follows:

| | |
|---|---|
| Class A Misdemeanor | One to thirty days |
| Class B Misdemeanor | One to fifteen days |

SECTION 6. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Notice of dispositions of juvenile cases by juvenile court and notice of release of any juvenile committed to the department for confinement, shall be provided to the law enforcement agency where the juvenile normally resides and to the law enforcement agencies where any offense was committed.

(2) Any juvenile returning to a community after commitment to the department shall have the conditions of his probation or commitment provided to local law enforcement agenices by the juvenile court for assistance in supervision of the regulations imposed by juvenile court or the department.

SECTION 7. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving juveniles in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) If a latent fingerprint is found in connection with the commission of a public offense, and there is reason to believe that a juvenile may be involved in the commission of the offense, a law enforcement officer with permission of the juvenile court may fingerprint a juvenile for the purpose of comparison; or upon waiver of his rights and in the presence of an attorney or his parent, a juvenile may give consent to be fingerprinted.

(3) Juvenile fingerprint records shall not be entered into local or state automated data systems. All juvenile fingerprint records shall be surrendered to the court for destruction as soon as the juvenile has been eliminated as a suspect in a case. If a juvenile is convicted of an offense, his fingerprint records may be kept on file by local law enforcement agencies.

SECTION 8. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If a juvenile has committed:

(a) a class A or B felony or capital offense or

(b) has been found to have previously committed two or more felonies, prior to the present adjudication, the court in its discretion may commit the child to the department for the purpose of institutionalization for an indeterminate period of time, but not less than six months in duration.

(2) The department shall maintain jurisdiction over the juvenile during the period of the commitment.

(3) The department shall notify the court, prior to the termination of institutionalization as to the intentions of the department, as they relate to the treatment of the juvenile.

(4) Before the department releases a juvenile, the judge in whose jurisdiction the child will reside shall be notified by the department.

(5) The provisions set out above shall apply to the dispositions under KRS 208.180.

(6) The originating juvenile court sentencing a juvenile may, upon motion of the defendent and consent of the department, shock probate any commitment after the juvenile defendent has been confined for a period of one month.]

page 1, following the enactment clause the following language is inserted as follows:

"Section 1. KRS 208.010 is amended to read as follows:

As used in KRS 208.010 to 208.540 and 208.990, unless the context otherwise requires:

(1) "Department" means the department for human resources;

(2) "Child" means any person who has not reached his twenty-first birthday;

(3) "Court" means the juvenile session of the county court;

(4) "Child welfare worker" means any employe of the department for human resources designated as such by the secretary of the department for human resources or a social worker employed by a county or city who has been approved by the department for human resources to handle, under its supervision, services to children;

(5) "Neglected or dependent child" has the same meaning as in subsection (4) of KRS 199.011;

(6) "Abandoned child" has the same meaning as in subsection (5) of KRS 199.011;

(7) "Needy child" means one who is in want and deprived of any of the following: the necessities for living; the education required by law; or the supervisory, medical or other care necessary for his well-being; [.]

*(8) "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime;*

*(9) "Status action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be termed criminal or delinquent, and such children shall not be considered delinquents;*

*(10) "Dependency action" is any action brought on behalf of a neglected, dependent, abandoned, or needy child;*

*(11) "Violation" means any offense, other than a traffic infraction, for which a sentence to a fine only can be imposed;*

*(12) "Secure detention facility" is a physically secure setting which is entirely separated from sight and sound from all other portions of the jail containing adult prisoners and which has an adequate staff and services consistent with the needs of each child;*

*(13) "Emergency shelter" is a group home, private residence, or similar home-like facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child.*

Section 2. KRS 208.020 is amended to read as follows:

(1) The juvenile session of the county court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county who has not reached his eighteenth birthday:

(a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Who does not subject himself to the reasonable control of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or

(c) Who is an habitual truant from home or from school; or

(d) Who is found by the court to be dependent, neglected, needy or abandoned.

(2) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(3) The court of each county shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070.

(4) The court shall have exclusive jurisdiction of persons who and no person shall wilfully and unnecessarily expose to the inclemency of the weather, or in any other manner wilfully injure in health or limb any child actually or apparently under the age of sixteen (16) years.

(5) The court shall have exclusive jurisdiction of persons who and no person shall for gain or reward employ or cause to be employed, or exhibit, use, or have in his custody for the purpose of exhibiting, or employing, any child actually or apparently under the age of sixteen (16) years, nor shall any person having the care, custody, or control of such child, in any way procure, or consent for gain or reward, to the employment or exhibition of such child, either:

(a) In begging or receiving alms, or in any mendicant occupation;

(b) If the child is a female, in peddling or in any wandering occupation;

(c) In any indecent or immoral occupation or practice;

(d) In the exhibition of any such child when insane, or idiotic; or

(e) In any practice or exhibition of unusual danger to life, limb, health or morals of the child.

(6) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The juvenile court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for its custody, pending the outcome of proceedings in circuit court to determine its permanent custody. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court, awarding custody of such child, all prior orders of the juvenile court in conflict therewith shall be deemed canceled.

*(7) Actions brought under KRS 208.020(1)(a) shall be considered to be delinquency actions.*

*(8) Actions brought under KRS 208.020 (1)(b) and (c) shall be considered to be status actions.*

*(9) Actions brought under KRS 208.020(1)(d) shall be considered to be dependency actions.*

Section 3. KRS 208.060 is amended to read as follows:

(1) All cases involving children brought before the court shall be granted a speedy hearing and shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings may be conducted in an informal manner. The general public shall be excluded and only the immediate families *or guardians* of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation worker with direct interest in the case, those persons enumerated under KRS 208.040, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his attorney may be admitted to the hearing. Witnesses shall be admitted to the hearing only for the duration of their testimony.

(2) Juvenile proceedings shall consist of two distinct hearings, an adjudication and a disposition, which may, upon motion of the child, be held on separate days.

(a) The adjudication shall determine the truth or falsity of the allegations in the petition and shall be made on the basis of an admission or confession of the child to the court or by the taking of evidence.

(b) Upon motion by any child brought before the court on a petition under KRS 208.020 (1) (a), (b), or (c), the Rules of Criminal Procedure shall apply to all matters involved in the adjudication of the case. All adjudications shall be supported by evidence beyond a reasonable doubt.

(c) After adjudication, *a determination by the court that detention pending disposition is necessary shall be based on a finding of the court by a preponderance of the evidence that the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community* [the court shall determine whether the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community and warrant his detention pending the disposition].

(d) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child. Unless the provisions of subsections (3) and (4) are observed by the court, the disposition shall be limited to an informal adjustment of the matter between the parties and the court. The provisions of subsections (3) and (4) shall be conditions precedent to any commitment, court-ordered probation, restitution, or other disposition enforceable by the authority of the court. No public or private agency or body, or party before the court, shall [be required to] participate in any order of the court unless it receives from the court a verified statement, signed by the juvenile judge, that the rights enumerated in subsections (3) and (4) were granted to the child during the proceedings in juvenile court.

(3) Before commencing a hearing and proceeding to determine the truth or falsity of the allegations in a petition filed with the court under KRS 208.020 (1) (a), (b), or (c), the court shall decide, on the basis of a preliminary inquiry made by the court, whether or not the best interest of the child indicates that the petition should be dismissed and the child's case adjusted informally among the parties. An informal adjustment may be made at any time during the proceedings. All petitions brought under KRS 208.020 (1) (a), (b), or (c) shall receive this consideration by the court. No petition shall be brought against the child as a result of information given to the court by the child as part of an informal adjustment. If the court finds it necessary to extend the discussion, during an informal adjustment, beyond the immediate subject matter of the complaint before it, the child and his parents, relative, guardian, or custodian shall be advised of all the rights under this subsection. If the court determines that a formal proceeding is required to determine the truth or falsity of the allegations against the child, a petition, sworn to by the complainant, shall be required pursuant to KRS 208.070 (1) and (2), and the court shall, when the child is brought before the court:

(a) Explain to the child and his parents, relative, guardian, or custodian their respective rights to counsel and, if the child and his parents, relative, guardian, or custodian are unable to obtain counsel, shall appoint counsel for the child and may appoint counsel for the parents, relative, guardian, or custodian;

(b) Explain the privilege against self-incrimination by saying that the child, parents, relative, guardian, or custodian may remain silent concerning the charges against the child, and that anything said may be used against the child and result in his commitment to *the department or* an institution for juvenile delinquents;

(c) Explain the right to confront anyone who has accused the child and to cross-examine that person on the allegations made against the child;

(d) Advise the child and his parents, relative, guardian, or custodian of the right to appeal from a determination of the court;

(e) Advise the child that these rights belong to him and may not be waived by his parents, relative, guardian, or custodian.

(4) At the disposition of a child adjudicated on a petition brought pursuant to KRS 208.020 (1) (a), (b), or (c), all information helpful in making a proper disposition, including oral and written reports, may be received by the court *in compliance with KRS 208.060(2)(d)* and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and controvert the reports and cross-examine the individuals making the reports.

(5) In the case of any child brought before the court on a petition under KRS 208.020 (1) (d), the rules of evidence and procedure described in subsection (3) of this section shall apply.

Section 4. KRS 208.110 is amended to read as follows:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in KRS 208.010 to 208.540. The law relating to bail shall not be applicable to children detained in accordance with KRS 208.010 to 208.540.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing an offense, under the provisions of KRS 208.020 (1) (a), (b), or (c) the officer shall immediately notify the parent, or if the parent is not available, then a relative, guardian, or custodian of the child, that the child has been detained, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for the detention, and state the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a petition, warrant, or both may be issued for the apprehension of the person or of the child, or both.

[(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention. When a child is detained in any way or for any reason, there shall be a hearing held within forty-eight hours, exclusive of Sunday, of the commencement of detention to determine whether or not there is reasonable cause to believe that an offense has been committed and that the detained child committed the offense. The Commonwealth shall bear the burden of proof, and if it shall fail to establish such reasonable cause, the child shall be released and the complaint dismissed. If such reasonable cause is established, the court shall then determine whether or not the circumstances surrounding the child are such as to endanger its safety or welfare or that of the community. The Commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence. Upon such showing of proof and order of the court, the child shall be detained until such time as the court may withdraw the order for detention or make a speedy disposition in the child's best interest. Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible person pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.]

[(5) Whether the child is released before or after a hearing, or is detained as the result of such a hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least forty-eight hours prior to the initial hearing on the case.]

Section 5. KRS 208.130 is amended to read as follows:

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the *custody and care* [detention] of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department, and shall conform to rules and regulations prescribed by the department.

(5) Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

(6) The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile courts jurisdiction over the department's regional reception-diagnostic centers.

Section 6. KRS 208.170 is amended to read as follows:

(1) If, *prior to an adjudicatory hearing* [during the course of any proceeding] in the juvenile court, it appears to the court that there is reasonable cause to believe that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen (16) years of age or older, or was less than sixteen (16) years of age but the offense was a class A felony or a capital offense, and the court is of the opinion that the [best interests of the child and of the public require that the] child be tried and disposed of under the regular law governing crimes, the court *shall conduct a separate hearing to determine if the case should be transferred* [in its discretion may make an order transferring the case] to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

*(2) The hearing held to consider the transfer of a juvenile to the circuit court shall determine if there is probable cause to believe that an offense was committed and that the child committed the offense.*

*(3) If the court determines that probable cause exists, it shall then determine if it is in the best interest of the child and the community to order such a transfer based upon the seriousness of the alleged offense; whether the offense was against person or property, with greater weight being give to offenses against persons; the maturity of the child as determined by his environment; the child's prior record; and the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities currently available to the juvenile justice system.*

*(4) If, following completion of the transfer hearing, the court is of the opinion that the best interest of the child and of the public would be protected by such transfer, the order of transfer shall state the reason for such transfer.*

*(5)* [(2)] When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, *it shall be instructed that* it may either return an indictment or may return a written report to the circuit court recommending that the child be *transferred to the juvenile court* [committed to the department]. If the court believes that such *transfer* [commitment] would be proper, it may order the child *transferred* [committed] to the *juvenile court* [department].

(b) *If an indictment is returned, the court may in its discretion order the case transferred to the juvenile court.* [If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.]

(c) If *an indictment is returned and the court does not transfer the case to juvenile court* [neither of the procedures specified in paragraphs (a) and (b) of this subsection are employed], the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

[(e) Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one (21).]

Section 7. KRS 208.180 is amended to read as follows:

(1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection *(5)* [(2)] of KRS 208.170 is convicted of a felony, and sentenced to imprisonment, he shall be committed to the *custody of the bureau of corrections* [penitentiary], except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches twenty-one (21) years of age, the commitment to the department shall be for an indeterminate period not to exceed the age of twenty-one (21). If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one (21), the commitment shall be to the department until the age of twenty-one (21), and thereafter to the *custody of the bureau of corrections* [penitentiary]. In the latter case, if the child is out on parole at the time he becomes twenty-one (21), he may be transferred to supervision of adult parole officers. However, if the parole is revoked he shall be returned to the *custody of the bureau of corrections* [penitentiary] and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection *(5)* [(2)] of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one (21) years.

Section 8. KRS 208.200 is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of subsections (1) or (2) of KRS 208.020, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation or supervision shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation and supervision methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation or supervision shall remain subject to the jurisdiction of the juvenile court until he becomes twenty-one (21) years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency other than the department authorized to care for such children, or under the guardianship of a suitable person. Such commitment shall be until the age of twenty-one (21) subject to the power of the court to discharge the child prior thereto, or of the governing authorities of said agency or institution to do so upon notice to the court. In committing a child to a private institution or agency the court shall select one that is approved by the department for human resources and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(c) Commit the child to the department. Such commitment shall be for an indeterminate period not to exceed the age of twenty-one (21).

(2) If, in its decree, the juvenile court finds that the child comes within the purview of subsection (1) or (2) of KRS 208.020, the court may dispose of the child as provided in subsection (1) of this section, except that if a child comes within the purview of paragraph (d) of subsection (1) of KRS 208.020, the court may not commit the child to the department unless the department has indicated to the court that it has facilities and funds available to care for the child and is willing to accept the commitment.

(3) In the event a child who has not reached his eighteenth birthday commits a new offense while a ward of the department, the court shall have exclusive, original jurisdiction of the new offense, and may modify all previous orders, including that committing the child to the department. Nothing in this section shall

limit the jurisdiction of any other court in assuming jurisdiction of wards of the department between the ages of eighteen (18) and twenty-one (21) years who have committed another public offense after attaining the age of eighteen (18).

(4) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of, in accordance with this chapter, except that after a child has been disposed of as provided in paragraph (a) or (b) of subsection (1) of this section he may not then be transferred to the circuit court as provided for in KRS 208.170.

*(5) If a child sixteen (16) years of age or older has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, the court in its discretion may order as follows:*

*(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred and twenty (120) hours for a child adjudicated delinquent in the commission of a class A misdemeanor, not to exceed eighty (80) hours for a child adjudicated delinquent in the commission of a class B misdemeanor, and not to exceed forty (40) hours for a child adjudicated delinquent in the commission of an offense classified as a violation under the penal code. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution authorized by KRS 208.240.*

*(b) The court may impose a fine for a misdemeanor or violation offense. The imposition of a fine for a misdemeanor or violation offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine.*

*(c) Fines shall be levied consistent with the schedule set forth below:*

*For a class A misdemeanor, not to exceed $150;*

*For a class B misdemeanor, not to exceed $75; and*

*For a violation, not to exceed $50.*

*When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately.*

*(6) When a child has been ordered to comply with the provisions in subsection (5) above and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require the child to show cause why he should not be held in detention for noncompliance with the court order. The court may issue an order of custody or a summons for his appearance.*

*(7) Following issuance of a show cause order pursuant to subsection (6) above, unless the child can show that noncompliance was not the result of an intentional refusal to comply with the court order or not the result of a failure to make a good faith effort to comply with the court order, the court may order the child detained as follows:*

*(a) For a period not to exceed five (5) days if the order is imposed for the commission of a Class A misdemeanor;*

*(b) For a period not to exceed three (3) days if the order is imposed for the commission of a Class B misdemeanor;*

*(c) For a period not to exceed two (2) days if the order is imposed for the commission of a violation.*

*Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational obligations of the child, and shall be in an approved detention facility as provided in KRS 208.130.*

*(8) When in the judgment of the court a disposition stated above in subsection (5) is inadequate to aid in the rehabilitation of a misdemeanor offender, the court in its discretion may order a child sixteen (16) years of age or older who has been adjudicated delinquent in the commission of an offense classifed as a misdemeanor to detention in an approved detention facility as provided in KRS 208.130 based upon the schedule set forth below:*

*Class A misdemeanor, 1 to 30 days*

*Class B misdemeanor, 1 to 15 days*

*The detention of a juvenile misdemeanor offender shall not be scheduled to interfere with the educational obligations of the child. Detention may be scheduled during periods such as weekends, after school, or overnight. Any portion of a day spent in detention shall be deemed as one day for the purposes of serving a detention term.*

*(9)* [(5)] No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 9. KRS 208.230 is amended to read as follows:

In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to *have engaged in an unlawful transaction with a minor or endangered the welfare of a minor or in any way* [be] encouraging, causing or contributing to the acts or conditions which bring the child within the purview of KRS 208.020 to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. *The court may, in its discretion, order the appearance of the parents, relative, guardian, custodian, or other person having custody of the child at any court hearing involving the child.* In case of failure to comply with *any orders entered pursuant to the provisions of this section* [such requirement], the court may proceed against such persons for contempt of court.

Section 10. KRS 208.270 is amended to read as follows:

Whenever any court commits a child to the department or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the department, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the department, institution or agency in behalf of the child. *Such certified order shall be sufficient authority for any law enforcement officer to detain any person named therein and deliver him to such a place as shall be directed by the department, institution or agency given custody of him in the order.*

Section 11. KRS 208.290 is amended to read as follows:

On or before March 1 of each year, each county clerk shall submit to the department a written report showing the number and disposition of *all* children [who have committed public offenses] that have been brought before the juvenile court during the preceding calendar year, together with such information as the department shall prescribe.

Section 12. KRS 208.420 is amended to read as follows:

(1) The department may establish and operate regional reception-diagnostic centers for the observation, study and classification of children committed to it. Such children *may* [shall] upon their commitment be placed in a reception center for a period of observation and study. The reception centers shall be furnished with adequate psychiatric, psychological and social services. A case history for each child shall be prepared

during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the department shall make a recommendation as to the character of treatment or disposition which should initially be provided for the child.

(2) The regional reception-diagnostic centers established by the department may also be utilized as detention and evaluation facilities for children whose cases are pending final disposition of the juvenile court. This use of the facilities shall be made pursuant to agreement between the department and the individual fiscal courts.

Section 13. KRS 208.460 is amended to read as follows:

If it appears that a child committed to the department is mentally ill or defective, the department may use state mental hospital facilities or other resources for observation of mental conditions. *This period of observation shall not exceed thirty (30) days. After thirty (30) days, the child shall be removed or a mental inquest proceeding through circuit court shall be obtained pursuant to the appropriate provisions of KRS Chapter 202.* If it appears from such observations that the child requires treatment or hospitalization for mental illness or defect, the department shall cause proceedings to be instituted pursuant to the appropriate provisions of KRS chapter 202.

Section 14. KRS 208.510 is amended to read as follows:

Any child committed to the department who is placed on *supervised placement from a residential treatment facility* [parole] by the department and who violates the terms or conditions of *supervised placement* [parole] may be apprehended and returned to active custody of the department by any probation officer of the department or by any peace officer on direction of the department, *provided that an administrative hearing has been held by persons designated by the department to hear such matters at which time the child and parents shall be given an opportunity to be heard and be represented by counsel.*

Section 15. KRS 208.540 is amended to read as follows:

Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the department shall be allowed *an amount prescribed by regulation adopted by the executive department for finance and administration* [ten cents (10¢) per mile,] calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the department, for payment out of funds appropriated for the purpose.

SECTION 16. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If child is not released as provided in subsection (3) of KRS 208.110, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. The officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention.

(2) When a child is detained for the alleged commission of an offense as provided in KRS 208.020(1)(a), (b), and (c) and not released, a hearing shall be held as soon as practical, but not to exceed seventy-two (72) hours, exclusive of Sunday, and legal holidays, of the commencement of detention.

(3) The child shall be afforded all constitutionally guaranteed rights at every stage of the proceedings including, but not limited to notice of the charges, the privilege against self-incrimination, the right to confront and cross-examine witnesses and the right to counsel.

(4) The hearing shall address the following issues:

(a) If there is probable cause to believe that an offense has been committed and that the accused child committed that offense. The commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence, and if it should fail to establish such probable cause, the child shall be released and the complaint dismissed;

(b) Whether further detention is necessary to assure the safety of the child, protection of the community, and the appearance of the child in court;

(c) In determining detention for offenses provided in KRS 208.020, the court shall consider the seriousness of the alleged offense; the possibility that the child would commit and offense dangerous to himself or the community pending disposition of the original offense; the child's prior record, if any; and whether there are charges pending against the child in another jurisdiction;

(d) In determining detention for offenses provided in KRS 208.020(1)(b) and (c), the court shall consider the availability of a parent, guardian or responsible adult, court-appointed supervisory or probation personnel, or foster care or emergency shelter care facilities that would insure the control and safety of the child; and the availability of adequate and secure detention facilities which would provide segregated detention for the child. Secure detention for status offenders is to be used in only those cases when the court is of the opinion that other alternatives are either not available or cannot provide the degree of control and safety necessary to assure the safety and security of the child.

(5) If, after completion of the detention hearing the court is of the opinion that detention is necessary, the order shall state in writing the specific reasons for detention and the nature of the detention.

(6) Unless a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible persons pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.

(7) Whether the child is released before or after a hearing, or is detained as a result of such hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least seventy-two (72) hours prior to the initial hearing on the case.

SECTION 17. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a class A felony, class B felony, or capital offense or found guilty of a class A felony, class B felony, or capital offense, the sentencing court in its discretion may commit the child to the department for purposes of institutionalization for an indeterminate period of time of not less than six (6) months.

(2) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a felony offense or found guilty of a felony offense and has previously been adjudicated delinquent of a felony offense or found guilty of a felony offense in two or more separate adjudications, the sentencing court in its discretion may commit the child to the department for purposes of institutionalization for an indeterminate period of time of not less than six (6) months.

(3) The department shall maintain jurisdiction over the child during the the period of the commitment.

(4) The department shall notify the committing court prior to the termination of institutionalization as to the future intentions of the department as they relate to continued treatment of the child.

(5) The committing court may, with the consent of the department and upon motion of the child, grant shock probation to any child committed under this section after the child has been committed for a minimum of thirty(30) days.

SECTION 18 A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) All records and physical evidence so obtained shall be surrendered to the court upon elimination of a child as a suspect in the case.

(3) Any person who violates the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 19. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The juvenile court shall notify the law enforcement agency of the child's county of residence and the law enforcement agencies where any offense was committed of the disposition of each case and of each child committed by the court who is placed in a residential treatment facility by the department.

(2) The department shall notify the juvenile court of the county of placement with the conditions of supervised placement of each child placed in that county from one of the residential treatment facilities operated by the department. Notice of the conditions of such placement may be made available by the court to any law enforcement agency."

Agreed.

Representative LeMaster moved that **HB 587,** as amended, be passed.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 1-Pearl.

**HB 587,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 587,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 623** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved the adoption of the Committee Amendment to **HB 623.** Agreed.

Representative Schmidt moved that **HB 623,** as amended, be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Beshear, Bevins, Blair, Blandford, Blythe, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 1-Fitzgerald.

**HB 623,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 623,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 637** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved that **HB 637** be passed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blythe, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright. Nays 2-Denham, Fitzgerald.

**HB 637** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 637** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 672** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved that **HB 672** be passed.

On the roll call the vote was yeas 41-Ackerson, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blandford, Blume, Brown, Bruce, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gray, Isler, Kenton, Kidd, King, Kleier, LeMaster, Little, McBee, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Priddy, B. Richardson, Romines, Siemens Siler, Thomas, Wible, Wooden. Nays 41-B. Adams, A. S. Adams, Arnold, Bevins, Blair, Boatwright, Burnette, Carpenter, Clapp, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Denham, Foster, Givhan, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Jones, Mason, May, O'Brien, Pearl, Rattliff, Richards, Robinson, Sale, Stephens, J. Turner, Vincent, Wells, White, Wright.

**HB 672** was defeated.

Representative Vincent moved that the vote by which **HB 672** was defeated be reconsidered and said motion be postponed indefinitely.

Representative McBride requested that he be recorded as voting "nay" on **HB 672.** Agreed.

Representative McBride moved that the vote by which **HB 672** was defeated be reconsidered.

Representative DeMarcus moved that the vote by which **HB 672** was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 41-Ackerson, B. Adams, A. S. Adams, Arnold, Bevins, Blair, Blandford, Blythe, Boatwright, Burnette, Carpenter, Dawahare, DeFalaise, DeMarcus, Denham, Floyd, Foster, Givhan, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hughes, Hurst, Jones, Mason, May, Pearl, Rattliff, Richards, P. Richardson, Robinson, Sale, Schmidt, Stephens, J. Turner, R. Turner, Vincent, Wells, Wright. Nays 41-J. Allen, W. Allen, Bendl, Bennett, Beshear, Blume, Cooper, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gray, Head, Isler, Kenton, Kidd, King, Kleier, LeMaster, Little, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Priddy, B. Richardson, Romines, Siemens, Siler, Wible, Wooden, Yates.

The motion that the vote by which **HB 672** was defeated be reconsidered and said motion be postponed indefinitely was rejected.

### Recess

Representative B. Richardson moved that the House recess for thirty minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative McBride moved that the motion that the vote by which **HB 672** was defeated be reconsidered be withdrawn. Agreed.

**HB 753** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved that **HB 753** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-Hancock.

**HB 753** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 753** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 813** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved that **HB 813** be passed.

On the roll call the vote was yeas 86-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-Blythe, Givhan.

**HB 813** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 813** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 81,** with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved the adoption of the Committee Substitute for **HB 81.** Agreed.

Representative Kleier moved that **HB 81,** by way of Committee Substitute, be adopted.

On the roll call the vote was yeas 31-J. Allen, W. Allen, Bendl, Bennett, Blume, Brinkley, Carpenter, Craddock, Dawahare, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gray, Kidd, King, Kleier, LeMaster, May, McBee, Morgan, Muncy, Nett, Romines, Schmidt, Thomas, White, Wooden, Wright. Nays 47-B. Adams, Arnold, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Clapp, Clarke, Crupper, Cyrus, DeFalaise, Denham, Deskins, Foster, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Mason, McBride, McGill, Morris, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Siemens, Stephens, J. Turner, R. Turner, Vincent, Wible, Yates.

**HB 81,** by way of Committee Substitute, was defeated.

Representative B. Richardson moved that the vote by which **HB 81,** by way of Committee Substitute, was defeated be reconsidered.

On the roll call the vote was yeas 68-Ackerson, B. Adams, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blume, Blythe, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Isler, Kenton, Kidd, Kleier, LeMaster, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 3-Denham, Fitzgerald, Hughes.

The motion that the vote by which **HB 81,** by way of Committee Substitute, was defeated be reconsidered was adopted.

**HB 81,** by way of Committee Substitute, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage.

Representative Kleier moved the adoption of the following Floor Amendment No. 1 to **HB 81:**

Amend printed copy of **HB 81,** by deleting everything after the title and substituting in lieu thereof the following:

"WHEREAS, it is important to secure current data concerning the number and groupings of citizens throughout the Commonwealth who, through accident or circumstances beyond their control, are temporarily unable to provide for such basic human needs as food, shelter and clothing; and

WHEREAS, many Kentuckians are unable to receive temporary financial assistance in times of crisis from any governmental sources or workmen's compensation; and

WHEREAS, the United States census bureau found that 22.9 percent of Kentucky's population or 718,313 citizens have incomes below the poverty level; and

WHEREAS, emergencies can happen to anyone and not all Kentuckians are able to save for such unforeseen crises as death, fire or temporary disability; and

WHEREAS, the churches and private charitable organizations are not financially equipped to provide adequate temporary and emergency support for all persons who request them; and

WHEREAS, forty other states in the United States have chosen to implement a general assistance program in order to assist persons in times of emergency or crisis; and

WHEREAS, the 1978 General Assembly will benefit from a study and evaluation of alternatives which may be utilized in funding and administering a short term emergency assistance program; and

WHEREAS, it is desirable that the 1978 General Assembly obtain data as to proposed costs and benefits to the Commonwealth of a short term emergency assistance program;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The Legislative Research Commission shall study the need for and the feasibility of establishing and funding a short term emergency assistance program and shall report such findings to the 1978 regular session of the General Assembly.

SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The Legislative Research Commission shall:

(1) Compile statewide data as to the number, location and general characteristics of persons requesting any short term emergency or general assistance benefits available through local fiscal courts or other charitable and church-related community resources;

(2) Examine the adequacy of funds presently available and designated for short term emergency assistance needs in counties throughout the Commonwealth;

(3) Study possible alternatives which may be utilized in funding and administering a short term emergency assistance program, including but not limited to providing for cost sharing between counties and the Commonwealth;

(4) Ascertain the possible cost and benefits to the counties and to the Commonwealth of a short term emergency assistance program; and

(5) Use the findings of this study in order to make any needed recommendations to the 1978 regular session of the General Assembly.

SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The study shall commence within sixty (60) days of the effective date of this Act. The Legislative Research Commission shall prepare a final written report of its findings and recommendations no later than six (6) months prior to the 1978 regular session of the General Assembly.

SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

All cabinets, agencies and departments of state government shall provide full assistance and information to the Legislative Research Commission upon request.

SECTION 5. For the purpose of effectuating the requirements of this Act, there is hereby appropriated to the Legislative Research Commission ten thousand dollars ($10,000) for fiscal year 1976-77."

Agreed.

Representative Kleier moved that **HB 81**, by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, Kidd, King, Kleier, LeMaster, Little, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 5-Burnette, Fitzgerald, Jones, Lindsay, Mason.

**HB 81**, by way of Committee Substitute as amended, was passed.

Representative Kleier moved the adoption of the following Title Amendment to **HB 81:**

Amend printed copy of **HB 81,** page 1, title line, by deleting the words "public assistance" after the words "relating to" and inserting in lieu thereof the words "short term emergency assistance"

The Title Amendment to **HB 81** was adopted.

Representative B. Richardson moved that the vote by which **HB 81,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 60** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **HJR 60** be passed.

On the roll call the vote was yeas 86-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HJR 60** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 60** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 61** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **HJR 61** be passed.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 1-Fitzgerald.

**HJR 61** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 61** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 71** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J.

Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HJR 71** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 71** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

Announcing passage of **SB 274, SB 381, SB 357, SB 295, HB 430, HB 694,** and **HB 334** with Amendment.

## Orders of the Day (continued)

Representative B. Richardson moved that all remaining Bills and Resolutions be deferred and that they retain their position in Orders of the Day. Agreed.

## Motions, Petitions and Communications

Representative DeMarcus requested that he be recorded as voting "nay" on **HB 20.** Agreed.

Representative Blume moved the adoption of the following **HR 104:**

**HR 104,** A RESOLUTION on retirement benefits for city employes.

WHEREAS, the employes of Kentucky's municipalities should be permitted fair and reasonable retirement benefits as a reward for their dedicated public service; and

WHEREAS, local public employes retirement plans must balance the retirement needs of employes and the ability of the taxpayers to pay additional taxes to fund increased retirement benefits; and

WHEREAS, a significant number of city pension plans are showing alarming levels of unfunded liability and, further, many other plans have not completed actuarial studies in recent years; and

WHEREAS, the high rate of inflation of the past several years has caused a great financial burden on retired city employes; and

WHEREAS, Congress is presently reviewing public pension plans to evaluate their actuarial soundness and the management practices utilized to manage such plans; and

WHEREAS, the members of the General Assembly, city employes and elected city officials wish to insure that the beneficiaries of public employes retirement plans will not face the tragic experience of nonexistent or reduced pension benefits at the time of retirement due to underfunded pension plans; and

WHEREAS, there is an urgent need to carry out a full and complete study of the existing city public pension plans;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the staff of the Legislative Research Commission, in conjunction with the Interim Joint Committee on Cities, is authorized and directed to conduct a comprehensive study and evaluation of the existing retirement plans and benefits for all city employes covered by locally administered programs.

Section 2. The study shall include but not be restricted to the following: analysis of the basic provisions of each service retirement program; analysis of death benefits, including group insurance coverage; analysis of disability and survivor benefit provisions; evaluation of a cost-of-living adjustment plan for retired employes, review of the need for periodic actuarial studies for all locally administered programs; review of the present financial condition of local pension programs; evaluation of present fund management practices; and recommendations for additional retirement benefits.

Section 3. The Interim Joint Committee on Cities should conduct a sufficient number of public hearings to allow for full participation by city employes and city officials in the preparation of the study.

Section 4. Employe groups, individual cities and related organizations are requested to offer full cooperation in this study by supplying all pension related information requested by the Committee.

Section 5. To assist in the study, an actuarial firm shall be employed by the Legislative Research Commission.

Section 6. The Committee shall complete the study and report its findings to the Legislative Research Commission at its October, 1977, regular meeting and to the 1978 General Assembly and make recommendations for legislation.

Section 7. Staff services and consulting fees to be utilized in completing this study are estimated to cost $40,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

Agreed.

Representative O'Brien moved that **HB 149** be taken from the table.

On the roll call the vote was yeas 40-Ackerson, A. S. Adams, Arnold, Beshear, Bevins, Blandford, Blume, Boatwright, Bruce, Burnette, Clarke, Craddock, DeFalaise, Denham, Deskins, Doss, Dunn, Fitzgerald, Holbrook, Hopkins, Jones, Kenton, Kleier, LeMaster, Mason, McGill, Nett, O'Brien, Richards, Robinson, Romines, Sale, Schmidt, Siemens, Tobin, Thomas, R. Turner, Wible, Wooden, Wright. Nays 18-B. Adams, Bendl, Bennett, Brinkley, Carpenter, Cyrus, Donnermeyer, Foster, Gray, Head, Hughes, Hurst, Isler, Muncy, Pearl, B. Richardson, P. Richardson, J. Turner.

The motion that **HB 149** be taken from the table was rejected.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 255, HB 423, HB 457, HB 485, HB 563,** and **HB 569** had been examined and found correctly enrolled. **HB 255, HB 423, HB 457, HB 485, HB 563,** and **HB 569** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

### Motions, Petitions and Communications (continued)

Representative Arnold requested that his name be removed as co-sponsor of **HB 175.** Agreed.

Representative Bennett requested that he be recorded as voting "yea" on the motion to table **HB 149.**

Representative Brown moved the adoption of the following Legislative Citation No. 47:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors the Louisa-Fort Gay Bridge Action Group and commends their accomplishments in helping expedite the completion of the bridge across the Big Sandy River between Louisa, Kentucky and Fort Gay, West Virginia. This body gratefully acknowledges the dedicated efforts of J. Lynn See, Iliff West, Mary Anna McNabb, Todd M. Ward, Ron Kwozolla, William H. Jackson, Walt Whittaker, Gail S. Taylor, Beulah Green, Dr. William J. McNabb, Joann Stansberry, Herbert E. Myers, Keith Spears, Robert Jack Copley, Elsie New, Dudley Billups, Ray Ailiff, Grace Thompson, Ed Kearns, Jack Schaffer, Wilburn Meredith, and Dan Watts in working with local, state, and national officials and successfully promoting the need for safety improvements of the Louisa-Fort Gay Bridge. (Sponsored by Representatives Brown and Blair)

Agreed.

Representative B. Richardson moved that the rules be suspended for Reference of Bills and Resolutions, Report of Committees, and Posting of Bills and Resolutions for Consideration. Agreed.

## Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 309.**

Appropriations and Revenue: **SB 330.**

Business Organizations and Professions: **SB 367.**

Education: **SB 241.**

Judiciary-Courts: **SB 274.**

Public Utilities: **SB 265.**

State Government: **SB 221.**

## Report of Committees

The Committee on Public Utilities and Transportation reported **SB 244** and **SB 339** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 244,** AN ACT relating to Kentucky National Guard.

WHEREAS, the Kentucky National Guard, during disasters and emergencies, is called upon to guard, patrol, evacuate and protect the life and property of persons affected by the disaster or emergency; and

WHEREAS, egress and ingress to the strickened area is essential if a guardsman is to carry out his assigned duties; and

WHEREAS, the guardsman is called to go immediately to the scene of the disaster or emergency, and may not be in uniform or wear other emblem or insignia of his service; and

WHEREAS, passage through police barricades is hindered or impeded when the guardsman is not identified; and

WHEREAS, a license plate marked "Kentucky National Guard" attached to the vehicle of the guardsman would serve to identify the guardsman, and expedite his travel to the assistance and protection of those persons whose life and property are endangered; and

WHEREAS, the welfare, health and property of the citizens of the Commonwealth would be enhanced by issuance to national guardsmen of an identifying license plate marked "Kentucky National Guard";

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Upon application to the county clerk of the county of his residence, a member of the Kentucky national guard shall be issued a license plate in the same form and character as license plates authorized by law to be used upon similar private vehicles registered in Kentucky, except that such license plates shall bear the name "Kentucky National Guard", a registration number, and the logo of the national guard. Each application shall be accompanied by proof of current service in the Kentucky national guard, and the payment of a one-time fee of twenty-five dollars ($25.00). Annually thereafter, upon application to the county clerk of the county of his residence, together with proof of current service in the Kentucky national guard, and without payment of a registration fee, the clerk shall issue a current year tag to the applicant to be affixed to the national guard license plate originally issued to the applicant.

(2) Upon the sale or transfer of a vehicle licensed as authorized by subsection (1) of this Act, the owner shall remove the national guard license plate and return it to the county clerk who shall reissue it for use on any other vehicle of the same class and category owned by the same applicant to whom the national guard license plate was originally issued.

(3) Upon termination of membership in the Kentucky national guard, an applicant to whom a national guard license plate was issued under this Act shall, within thirty (30) days, return the national guard plate to the county clerk of the county of his residence.

(4) For the services performed in issuing national guard license plates, and in annually issuing a current year tag to be affixed to the national guard license plate, the county clerk shall receive from each applicant a fee of one dollar ($1.00). A like fee shall be charged for the reissuance of such license plate after the sale or transfer of the vehicle for which it was originally issued.

(5) The secretary of the department of transportation shall in accordance with the provisions of KRS Chapter 13 make such reasonable regulations and prescribe such forms as may be necessary to carry out the purpose of this Act.

**SB 339,** AN ACT relating to mobile homes and recreational vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 227.590 is amended to read as follows:

(1) The board shall make and the office shall enforce rules and regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations authorized in subsection (5) of this section the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.

(4) Notwithstanding the provisions of KRS 227.550 to 227.660, the board shall have the authority to promulgate rules and regulations exempting manufacturers and dealers from the provisions of KRS 227.550 to 227.660 when mobile homes and recreational vehicles are brought into this state for exhibition only.

(5) All rules, regulations, codes, fees and charges adopted by the board pursuant to KRS 227.550 to 227.660 shall be prepared and filed in accordance with chapter 13 of the Kentucky Revised Statutes.

*(6) The board shall have the authority to promulgate rules and regulations to issue temporary licenses, not to exceed thirty days, to out-of-state dealers for the purpose of participating in mobile home and recreational vehicle shows in the commonwealth of Kentucky.*

The Committee on State Government reported **HB 689, HB 507** with Committee Substitute attached thereto, **SB 170, SB 243, SB 262, SB 299, SB 337, SB 342, SB 344, SB 355,** and **SB 356** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 689,** AN ACT relating to policies and procedures for professional service contracting by governmental units.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
This Act shall be known as the "Consultants' Selection and Negotiation Act."

SECTION 2. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
The general assembly declares it to be a legislative finding of fact that it is in the best interest of the public health, safety, and welfare and of good fiscal management to seek the most qualified and competent individuals and firms at fair, competitive, and reasonable compensation to provide professional services to all units of government. The general assembly expresses its desire by this Act to promote competition on the basis of demonstrated professional skill among firms interested in providing professional services to units of government. Therefore, the general assembly declares it to be in the public interest to prohibit the payment of contingent fees or other considerations for obtaining professional service contracts financed from public funds.

SECTION 3. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:
As used in this Act, unless a different meaning is clearly indicated by the context:

(1) "Professional services" mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying as defined by the laws of the state of Kentucky or those services performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his or her professional employment or practice.

(2) "Agency" means the state, its agencies, municipalities, or other political subdivisions, school districts, school boards, and all other special districts.

(3) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity, other than a regular, full-time agency employe, permitted by law to practice architecture, engineering, landscape architecture, or land surveying in Kentucky.

(4) "Compensation" means the total amount paid by the agency for professional services.

(5) "Agency official" means any elected or appointed officeholder, employe, consultant, any person having a professional service contract with the agency, or any other person receiving compensation from an agency.

SECTION 4. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) On each occasion when professional services are required to be purchased from a firm, no agency shall make a contract for professional services without first:

(a) Making newspaper advertisement for bids in accordance with KRS Chapter 424;

(b) Publicly announcing its requirement for professional services in a uniform and consistent manner; and

(c) Mailing an announcement of its requirement for professional services to each certified firm that has requested such notification.

(2) Each announcement and advertisement required by subsection (1) of this section shall include a general descriptive of the project for which professional services are required and shall indicate how interested firms can apply for consideration.

SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Any firm desiring to provide professional services to an agency shall first be certified by the agency as qualified, pursuant to law and to the regulations of the agency adopted under this section, to provide professional services needed by the agency.

(2) Each agency shall adopt regulations establishing the factors and administrative procedures to be used in the evaluation and certification of the services of firms desiring to provide professional services to the agency. The evaluation factors shall include, but need not be limited to, the capabilities, adequacy of personnel, past record and experience of firms, such other factors as the agency may determine to be applicable to its particular requirements, and the ranking of such factors in importance if such ranking is used by the agency in evaluating the professional services of firms.

(3) The agency's evaluation and certification procedures shall be made known to all firms requesting consideration for certification and shall be a matter of public record, open to public inspection.

SECTION 6. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Each agency shall encourage firms engaged in the lawful practice of their profession and who desire to provide professional services to the agency to apply for certification by submitting a current statement of qualifications and performance data to the agency.

(2) Upon receipt of a firm's application for certification, the agency shall make a finding that the firm is or is not fully qualified to render the required professional services, based upon the information supplied by the firm and the agency's regulations. Upon completion of its review, the agency shall notify the firm of its decision and the reasons therefor.

(3) Any firm aggrieved by an agency's decision that the firm is not fully qualified to render the required services may, within ten (10) days after receiving notification of the decision, request in writing a reconsideration of its application, and may submit additional evidence bearing on its qualifications. The agency shall thereupon reconsider the application and may adhere to, modify or reverse its previous decision. The agency shall act upon any request for reconsideration within thirty (30) days after the filing of the request and shall immediately notify the applicant of the action taken. Within ten (10) days of its notification of the agency's final action on the reconsideration, any firm that is still aggrieved by the agency's decision may appeal to the Franklin Circuit Court or any other court of competent jurisdiction on the grounds of fraud or abuse of discretion by the agency. The appeal shall be perfected by filing a bond with the clerk of the court in such amount as the clerk may fix and by causing a summons to be served upon the agency as in other civil actions. The court shall hear the evidence offered by the applicant and by the agency, and, if the court finds that there was neither fraud nor abuse of discretion, it shall dismiss the appeal. Otherwise, the court may make the order with respect to qualifications which it finds should have been made by the agency. The order of the court shall be binding on the agency. Decisions of the court may be appealed in accordance with the Rules of Civil Procedure.

(4) Each certified firm shall annually submit to the agency any information necessary to update the statement of qualifications and performance data last submitted to the agency by the firm.

SECTION 7. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Each agency shall appoint a selection committee which shall be responsible for all competitive selection activities of the agency. The selection committee shall consist of:

(a) Not less than six (6) elected or appointed public officeholders with direct or indirect responsibility for or official interest in the professional service requirements of the agency; and

(b) Not less than three (3) citizen members who are not agency officials.

(2) Any member of a selection committee who has any direct or indirect financial interest in the outcome of any question before the committee shall disclose the nature of his interest, shall disqualify himself from voting on the question, and shall not be counted for the purposes of a quorum.

SECTION 8. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) For each proposed project for which the professional services of a firm are required, the agency and selection committee shall evaluate current statements of qualifications and performance data of the certified firms that have expressed an interest in providing professional services for the proposed project. The agency and at least a majority of the selection committee members shall conduct discussions with and require public presentations by not less than three (3) certified firms regarding their qualifications for, approaches to, and ability to provide the services required for the proposed project.

(2) The selection committee shall select not less than three (3) certified firms that it deems to be most highly qualified to perform the required services and shall rank the firms in order of preference. In making its selection and ranking of firms, the committee shall consider such factors as the ability of professional personnel; past performance; willingness to meet time and budget requirements; location; and recent, current and projected work loads of the firms. The committee shall also consider the volume of work previously awarded to the firms by the agency with the object of effecting an equitable distribution of professional service contracts among certified firms, provided that such distribution shall not violate the principle of selection of the most highly qualified firms. The committee's preference listing of firms shall be final and in no way subject to modification.

(3) This section shall not apply to professional service contracts of $5,000 or less.

SECTION 9. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The agency shall attempt to negotiate a contract for professional services with the firm designated as most qualified by the committee, or by the agency in the case of contracts of $5,000 or less, at compensation which the agency determines is fair, competitive and reasonable and consistent with other requirements of this Act. In making its determination of compensation, the agency shall consider the scope and complexity of the professional services required and shall conduct a detailed analysis of the cost of the professional services required.

(2) Should the agency be unable to negotiate a satisfactory contract with the most qualified firm, at compensation which the agency determines to be fair, competitive and reasonable, the agency shall formally terminate negotiations with that firm. The agency shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency shall terminate negotiations with that firm. The agency shall then undertake negotiations with the third most qualified firm.

(3) Should the agency be unable to negotiate a satisfactory contract with any of the selected firms, the selection committee, or the agency in the case of contracts of $5,000 or less, shall select additional certified firms in order of their competence and qualifications and the agency shall undertake negotiations with such firms in accordance with this section until an agreement is reached.

(4) For all lump-sum or cost-plus-a-fixed fee professional service contracts, the agency shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting. Any professional service contract for which such a certificate is required shall include a provision that, if the agency determines that the original contract price was increased due to inaccurate, incomplete or non-current wage rate or cost data, the original contract price and any additions thereto shall be adjusted to exclude the amount of such increase. All such contract adjustment shall be made within one (1) year following expiration of the contract.

(5) The cost of any change orders subsequent to the awarding of a professional service contract shall not exceed the initially negotiated cost. Any professional service contract, including change orders, shall expire not more than three (3) years from the date the contract was awarded. A firm having a professional service contract with an agency may participate without prejudice in subsequent, related contract selection and negotiation proceedings.

SECTION 10. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Each contract for professional services entered into by an agency shall contain a prohibition against contingent fees as follows: "The architect, landscape architect, registered land surveyor or professional engineer (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employe working solely for the architect, registered land surveyor, landscape architect or professional engineer, to solicit or secure this agreement, and that he has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employe working solely for the architect, landscape architect, registered land surveyor or professional engineer any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement." For the breach or violation of this provision, the agency may terminate the agreement without liability and may, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift, or consideration.

(2) Any individual, corporation, partnership, firm, or company, other than a bona fide employe working solely for an architect, professional engineer, landscape architect or registered land surveyor, who offers, agrees, or contracts to solicit or secure an agency contract for professional services for any other individual, company, corporation, partnership or firm, and agrees to be paid, or is paid, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award or the making of an agency contract for professional services, shall, upon conviction be guilty of a class A misdemeanor.

(3) Any architect, landscape architect, professional engineer, or registered land surveyor, or any group, association, company, corporation, firm, or partnership thereof, who shall offer to pay, or pays, any fee, commission, percentage, gift, or any other consideration contingent upon, or resulting from, the award or making of any agency contract for professional services, shall upon conviction be guilty of a class A misdemeanor.

(4) Any agency official or selection committee member who offers to solicit or secure, or solicits or secures, a contract for professional services in a manner other than as prescribed in this Act or agrees to be paid, or is paid, any fee, commission, percentage, gift, or any other consideration contingent upon the award or making of a contract for professional services between the agency and any individual person, company, firm, partnership, or corporation shall, upon conviction, be guilty of a class A misdemeanor.

SECTION 11. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

The public shall not be excluded from the professional service certification, selection, and contracting proceedings of agencies under this Act. Agencies shall give public notice of all such proceedings. Records of all certification, selection, and contract actions taken by an agency shall be maintained by the agency for not less than three (3) years following the action.

SECTION 12. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

On any professional service contract for which the anticipated compensation is more than $25,000, the department of transportation or the executive department for finance and administration shall, upon request, provide any local agency with assistance in selecting and negotiating professional service contracts. The local agency shall reimburse the assisting department for costs incurred by the department in providing such assistance.

Section 13. KRS 45.360 is amended to read as follows:

(1) The director of engineering for contractual services related to real property and capital construction projects and the executive department for finance and administration for other purchasing services, under the direction of the commissioner of the executive department for finance and administration, shall purchase, or shall delegate and control the purchase of, the combined requirements of all spending agencies of the state including, but not limited to, interests in real property, contractual services, rentals of all types, supplies, materials, equipment, and services, except that competitive bids may not be required:

(a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;

(b) When in the judgment of the executive department for finance and administration food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies can be purchased otherwise to the best advantage of the state; and instructional materials available from only one (1) source;

(c) Where rates are fixed by law or ordinance;

(d) For library books;

(e) For commercial items that are purchased for resale;

(f) For professional, technical, or artistic services, *except as otherwise provided by this Act* (Contracts exempted by this provision shall be referred to the department of personnel for review and approval.);

(g) For all other commodities, equipment and services which, in the reasonable discretion of the executive department for finance and administration, are available from only one (1) source; and

(h) Interests in real property.

(2) Nothing in this section shall deprive the executive department for finance and administration from negotiating with vendors who maintain a general service administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between general service administration and the vendor affected.

(3) The executive department for finance and administration shall have supervision over all purchases by the various spending agencies, except as otherwise provided by law, and shall prescribe rules and regulations to govern purchasing by or for all such agencies, subject to the approval of the commissioner of the executive department for finance and administration, and shall publish a manual of procedures to be distributed to agencies and to be revised upon issuance of amendments to such procedures. No purchase or contract shall be binding on the state or any agency thereof unless approved by the department or made under general regulations which the executive department for finance and administration may prescribe.

(4) The executive department for finance and administration shall adopt regulations to require agencies to take and maintain inventories of plant and equipment. The executive department for finance and administration shall conduct periodic physical audits of inventories.

(5) The executive department for finance and administration shall require all agencies to furnish an estimate of specific needs for supplies, materials, and equipment to be purchased by competitive bidding for the purpose of permitting scheduling of purchasing in large volume. He shall establish and enforce schedules for purchasing supplies, materials, and equipment. In addition, all agencies shall submit to the executive department for finance and administration prior to the beginning of each fiscal year an estimate of all needs for supplies, materials, and equipment during that year which will have to be acquired through competitive bidding.

(6) The executive department for finance and administration shall have power, with the approval of the commissioner of the executive department for finance and administration, to transfer between departments, to salvage, to exchange, and to condemn supplies, equipment, and real property.

(7) The executive department for finance and administration shall sell or otherwise dispose of all property (including any interest in real property) of the state which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the commissioner of the executive department for finance and administration. The determination of the commissioner of the executive department for finance and administration shall be set forth in an order, and shall be reached only after review of a written request by the agency desiring to dispose of the property. Such request shall describe the property and state the reasons why the agency believes disposal should be effected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the commissioner of the executive department for finance and administration and approved by the governor. Unless the commissioner of the executive department for finance and administration deems it in the best interest of the state to proceed otherwise, all such property (including any interests in real property) shall be sold either by invitation of sealed bids or by public auction, provided however that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the department of revenue, or department of transportation for such requirements of that department.

(8) Except as provided in KRS chapters 175, 176, 177 and 180, the executive department for finance and administration shall purchase or otherwise acquire all real property determined to be needed for state use, upon the approval of the commissioner of the executive department for finance and administration as to the determination of need and as to the action of purchase or other acquisition, provided that the amount paid shall not exceed the appraised value as determined by the department of revenue, department of transportation (for such requirements of that department), or value set by eminent domain procedure.

(9) Real property or any interest therein may be purchased, leased, or otherwise acquired from any officer or employe of any agency of the state upon a finding by the executive department for finance and administration, based upon a written application by the head of the agency requesting the purchase, and approved by the commissioner of the executive department for finance and administration and the governor, that the employe has not either himself or through any other person influenced or attempted to influence either the agency requesting the purchase of the property of the executive department for finance and administration in connection with such acquisition. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the secretary of state along with the other documents recorded pursuant to the provisions of KRS chapter 56.

(10) The executive department for finance and administration shall maintain records of all purchases and sales made under its authority and shall make periodic summary reports of all transactions to the commissioner of the executive department for finance and administration, the governor, and the general

assembly. The division shall also report trends in costs and prices, including savings realized through improved practices, to the above authorities.

(11) For capital construction projects, the bidding may be on a total design-bid basis; a package system commonly referred to as "turn key"; phase bidding commonly referred to as "fast track"; or construction management, whichever in the judgment of the commissioner of the executive department for finance and administration offers the lowest real cost to the taxpayer. Bids when delegated to and are received by construction managers shall be reviewed by the engineering staff to assure quality and value, and compliance with bid procedures. All specifications shall be written to promote competition.

(12) The executive department for finance and administration and the director of the division of engineering shall attempt in every practicable way to insure the state's supplying its real needs at the lowest possible cost.

SECTION 14. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall affect the validity of any contract in effect on the effective date of this Act. However, any existing contract that continues for more than three (3) years after the effective date of this Act shall then be reviewed by the contracting agency.

**HB 507,** AN ACT relating to the state police.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 16.577 is amended to read as follows:

Upon retirement at early retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date, with years of service and final compensation being determined as of the date of his actual retirement [, but the amount of the retirement allowance so determined shall be reduced to reflect the earlier commencement of benefits].

The Committee Substitute for **HB 507** is as follows:

**HB 507,** AN ACT relating to the state police.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 78.545 is amended to read as follows:

The following matters shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky employes retirement system as follows:

(1) Cessation of membership, conditions, as provided for by KRS 61.535;
(2) Statement of member and employer, as provided for by KRS 61.540;
(3) Beneficiary to be designated by member, change, rights, as provided for by KRS 61.542;
(4) Service credit determination, as provided for by KRS 61.545;
(5) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
(6) Service credit, armed forces, as provided for by KRS 61.555;
(7) Minimum service credit required, as provided for by KRS 61.559;
(8) Uninvested funds, maximum, as provided for by KRS 61.585;
(9) Service retirement, conditions, as provided for by KRS 61.590;
(10) Disability retirement, conditions, as provided for by KRS 61.600;
(11) Disability retirement, allowance, as provided for by KRS 61.605;
(12) Medical examination after disability retirement, as provided for by KRS 61.610;
(13) Disability retirement allowance, reduction, as provided for by KRS 61.615;
(14) Disability retirement allowance, cessations, as provided for by KRS 61.620;
(15) Refund of contributions, conditions, as provided for by KRS 61.625;
(16) Refund of contributions, death after retirement, as provided for by KRS 61.630;
(17) Optional retirement plans as provided for by KRS 61.635;
(18) Suspension of retirement payments on re-employment, reinstatement, as provided for by KRS 61.637;

(19) Death before retirement, beneficiary's options, as provided for by KRS 61.640;
(20) Board of trustees, conflict of interest, as provided for by KRS 61.655;
(21) Custodian of funds, payments made, when, as provided for by KRS 61.660;
(22) Medical examiners, as provided for by KRS 61.665;
(23) Actuarial bases, as provided for by KRS 61.670;
(24) Employer's administrative duties, as provided for by KRS 61.675;
(25) Correction of errors in records, as provided for by KRS 61.685;
(26) Exemptions of retirement allowances, as provided for by KRS 61.690;
(27) False statements or falsification of records, penalty, as provided for by KRS 61.700;
(28) Credit for service prior to membership date, as provided for by KRS 61.526;
(29) Official income of fee officers, as provided for by KRS 61.541;
(30) Transfer of dormant accounts, as provided for by KRS 61.626;
(31) Members' account, confidential, as provided for by KRS 61.661; and
(32) Hazardous positions as provided for by KRS 61.592 (1) to (3) and (7) to (8): further provided, however, that the normal retirement age, maximum employment age, and retirement allowance of a member serving in a hazardous position shall be determined in the same manner as a member of the state police retirement system as provided for by KRS 16.505 to 16.645 except the mandatory retirement provision of KRS 16.576(1) shall not be applicable *and the amount of the retirement allowance of a county employes retirement system member in a hazardous position, determined under KRS 16.577, shall not, upon early retirement, be reduced to reflect the earlier commencement of benefits*;
(33) Maximum disability benefit as provided for by KRS 61.607;
(34) Consent to employes to deductions and reciprocal arrangement between systems, as provided for by KRS 61.680;
(35) Employer contributions as provided for by KRS 61.565; and
(36) Recontributions and delayed contributions as provided for by KRS 61.552.

**SB 170,** AN ACT relating to state purchasing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 45.390 is amended to read as follows:

(1) All persons, firms, or corporations who desire to bid on and furnish any of the materials, supplies, or equipment usually purchased by the executive department for finance and administration may at any time file with the division its or their name or names; together with the character and kind of such materials, supplies, and equipment which it or they may desire to bid on and furnish, and such names shall be placed on the list of bidders applicable to such commodities as they desire to bid on and furnish. For identification purposes, the executive department for finance and administration may use any code system to identify prospective bidders which the executive department for finance and administration finds is necessary and in the best interest of the commonwealth of Kentucky. Prior to such listing, however, the executive department for finance and administration shall verify the qualifications of prospective bidders in terms of:

(a) Ability, capacity, and skill of the bidder to perform on a timely basis under contract for goods and services which he desires to bid on and furnish;
(b) Character, integrity, reputation, and experience of the bidder;
(c) Performance in previous dealings with the commonwealth of Kentucky and other governmental agencies or private business concerns; and
(d) Compliance with the health rules and regulations of the commonwealth of Kentucky.

(2) Subject to the right of appeal by the prospective bidder to the commissioner of the executive department for finance and administration, the *manager of the division* [executive department for finance and administration] may remove any bidder for any one of the following reasons:

(a) Failure to meet minimum qualifications;
(b) Failure to post bid or performance bonds as the *manager of the division* [executive department for finance and administration] may require either at the time of submission of bids or prior to award of contract;
(c) Substitution of commodities or equipment without approval in writing from the executive department for finance and administration;
(d) Failure to meet delivery conditions specified in the bid;
(e) Failure to replace inferior or defective materials, equipment, or supplies immediately;
(f) Failure to respond to three (3) invitations received;
(g) Falsifying invoices;

(h) Collusion or collaboration on commonwealth invitations to bid;

(i) Falsifying information on the "Application to be Placed on Vendor's List";

(j) Refusal to accept a contract award as provided in the bid;

(k) Failure to submit the Kentucky sales-use tax reports or failure to remit sales-use or income taxes assessed by the department of revenue.

(3) The executive department for finance and administration and using agencies shall employ the lists of bidders and other sources of information in such a way as to foster the highest level of sound competition when invitations to bid are issued as required by this section. In the event that there are more than ten (10) bidders on the list applicable to a given commodity, at least ten (10) of those listed shall be issued invitations when competitive bidding is required by this section in the purchase of said commodity, and any additional qualified bidders, whether or not they were issued invitations, may request invitations and shall be afforded the opportunity to submit a bid. In addition, *for all price contracts and sales and purchase contracts estimated to exceed $7,500.00* the executive department for finance and administration shall solicit bids by publication in two (2) newspapers of general circulation in the state to be determined and designated by the commissioner of the executive department for finance and administration. The notice to be published shall contain a general description of items to be purchased or sold; the date, time and location on and at which bids will be opened; and the location from which the list of items, terms, and specifications can be obtained. For purposes of advertising in newspapers, a detailed listing of items shall not be necessary.

(4) The executive department for finance and administration shall require the formal invitation of sealed written bids on all purchases, except as provided in KRS 42.061, 45.360, and 45.400, for which the gross amount is estimated to exceed one thousand dollars ($1,000) for building renovation and repair (inclusive projects) *and equipment repair contracts* or $500 for other transactions. The executive department for finance and administration shall designate by regulation the manner, which manner may include the taking of sealed competitive bids, in which all purchases less than these amounts shall be made. In all cases where the executive department for finance and administration requires competitive quotations, a record shall be kept of all quotations solicited and received.

(5) An agency shall not split or parcel purchases over a period of time for the purpose of evading competitive bidding. In any case in which purchases are so split or parceled, the agency head shall be personally liable for the amount by which the total amount purchased exceeds the amount authorized to be purchased.

(6) For any purchase in which the estimated price exceeds two thousand dollars ($2,000), invitations to bid shall be postmarked at least fourteen (14) days before the day set for opening. For any purchase in which the estimated price does not exceed two thousand dollars ($2,000), invitations to bid shall be postmarked at least seven (7) days before the day set for opening. Said invitations shall state the time and place of receiving and opening of bids and any other information the executive department for finance and administration deems in the best interest of the state. Wherever possible items should be described by standard specifications. All said bids shall be made in writing and sealed and shall be opened and read publicly at the stated time. After due consideration and a reasonable time the executive department for finance and administration shall award the contract to the lowest *and best* qualified bidder, unless in the discretion of the said executive department for finance and administration no satisfactory bid had been received, in which event all bids may be rejected and new bids requested *or the purchase price on the items negotiated* as provided by this section. Time discounts shall not be considered, except where fair trade commodities are involved.

**SB 243,** AN ACT relating to the national guard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 38.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Kentucky national guard" includes the army national guard and air national guard;

(2) "Active army national guard and active air national guard" includes those organizations, officers and enlisted personnel, both male and female, of the federally recognized Kentucky national guard authorized to receive federal pay, arms and equipment;

(3) "Inactive army national guard and inactive air national guard" includes those organizations, officer and enlisted personnel, both male and female, of the Kentucky national guard not entitled to receive federal pay, arms and equipment;

(4) "Active state service" is:

(a) The ordering by the governor of any unit or units of the Kentucky national guard to enforce the laws of the commonwealth; resist an actual or threatened invasion or insurrection; quell a riot or other domestic disturbance; or preserve and protect the rights, lives or property of citizens of the commonwealth;

(b) Officers, warrant officers and enlisted personnel employed under orders of the governor in making tours of inspection, mustering in or mustering out troops, making surveys of military property, sitting on courts-martial, summary courts, efficiency boards, courts of inquiry or boards of officers or performance of any other duty directed by the governor or adjutant general;

(c) The participation of any unit or units of the Kentucky national guard in gunnery competition or other training or military exercise anywhere within or without the United States*;* [except when entitled to receive federal pay.]

*(d) Members of the Kentucky national guard when entitled to receive federal pay are not deemed to be on active state service.*

(5) Words importing the masculine gender only shall extend to and be applied to females as well as males.

Section 2. KRS 38.235 is amended to read as follows:

(1) The department of military affairs shall accept the provisions of KRS chapter 342 for the benefit of members of the Kentucky national guard while such members are on active state service. [Notwithstanding KRS chapter 342, the department of military affairs may purchase additional and extended workmen's compensation insurance as provided in this section. Notwithstanding KRS 342.070, in the case of death, compensation shall continue without a maximum limitation on the total amount paid, during the period of dependency as defined in KRS 342.075 to 342.085. Notwithstanding KRS 342.095, in the case of permanent and total disability, compensation shall continue without maximum limitation on the total amount paid, during the period of permanent and total disability.]

(2) The department may, in lieu of procuring additional extended insurance coverage, elect to avail itself of the provisions of KRS 342.340 relating to the direct payment of benefits, for the purpose of paying the [additional extended] benefits provided under subsection (1) of this section.

Section 3. KRS 342.640 is amended to read as follows:

The following shall constitute employes subject to the provisions of this chapter, except as exempted under KRS 342.650:

(1) Every person, including a minor, whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, express or implied, and all helpers and assistants of employes whether paid by the employer or employe, if employed with the knowledge, actual or constructive, of the employer.

(2) Every executive officer of a corporation.

(3) Every person in the service of the state or of any political subdivision or agency thereof, or of any county, city of any class, school district, drainage district, tax district, public or quasi-public corporation or other political entity, under any contract of hire, express or implied, and every official or officer thereof, whether elected or appointed, while performing his official duties. Every person who is a member of a volunteer fire or police department shall be deemed for the purposes of this chapter, to be in the employment of the political subdivision of the state where the department is organized. Every person who is a regularly enrolled volunteer member or trainee of the civil defense corps of this state as established under KRS Chapter 39, shall be deemed for the purposes of this chapter, to be in the employment of this state. Every person who is a member of the Kentucky National Guard, while said *person* [member] is on active state service *as defined in KRS 38.010(4)* shall be deemed for the purposes of this chapter to be in the employment of this state.

(4) Every person performing service in the course of the trade, business, profession or occupation of an employer at the time of the injury.

(5) Subject to the provisions in subsection (4) of this section, every person regularly selling or distributing newspapers on the street or to customers at their homes or places of business. For the purposes of this chapter such a person shall be deemed an employe of an independent news agency for whom he is selling or distributing newspapers, or, in the absence of such independent agency, of each publisher whose newspapers he sells or distributes.

**SB 262,** AN ACT relating to county officials.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Acts 1974, c. 252, Section 3 is amended to read as follows:

In the event the general expenditure fund revenue estimate, plus surplus brought forward, for the 1975-76 fiscal year exceeds $933,485,645, each sheriff performing the duties required under the provisions of KRS

70.150 and 70.160 shall be allowed the amount of $3,600 annually payable out of the state treasury at the rate of $300 per month for such services. The first such monthly payment shall be for the month of *January, 1977* [July, 1976] and the check therefor shall be forwarded to the sheriff concerned on or about the last working day of that month and each month thereafter.

**SB 299,** AN ACT relating to the motor vehicle dealer's board.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 190.061 is amended to read as follows:

(1) To carry out the declaration of policy and the provisions of this chapter, there is hereby created a motor vehicle dealers board to consist of *twelve (12)* [nine (9)] members, *eleven (11)* [eight (8)]of whom are to be appointed by the governor and each of whom must reside in a separate federal congressional district, except the commissioner, *the members representing manufacturers, dealers and consumers,* and one other, who shall represent the commonwealth at large. The commissioner of vehicle regulation shall serve as the *twelfth* [ninth] member of the board. No more than *seven (7)* [five (5)] members of the board shall belong to any one political party, and four members shall be new motor vehicle dealers and four members shall be used motor vehicle dealers. Of those members of the board, who are new motor vehicle dealers, no more than two shall represent the same automobile manufacturer as a franchise dealer. Upon June 16, 1966, the Governor shall appoint two members of the board to serve for a period of one year; three members to serve for a period of two years; and, three members to serve for a period of three years. Thereafter, their successors in office shall be appointed by the governor for a term of three years each. *One member shall be a representative of an automobile manufacturer. One member shall be a representative of automobile wholesalers. One member shall be a person with no direct financial interest in the industry.*

(2) Members of the Kentucky motor vehicle dealers board shall meet at such times as they may by regulation prescribe. Any proceeding conducted by the board shall be construed to be a meeting of the board under this section for each day said proceeding is conducted. To constitute a meeting of the board within the meaning of this section, a quorum of the board must be present and must participate. *Seven (7)* [Five (5)] members of the board shall constitute a quorum. All final orders shall be in writing and shall be signed by the commissioner and approved by the board.

(3) Members of the board actually participating in a meeting or proceeding in which a quorum is present shall receive compensation therefor at the rate of *one hundred dollars ($100)* [forty dollars ($40)] per day and each member of the board shall be reimbursed for necessary expenses incurred in the performance of his duties, but in no event shall any member be paid for more than twenty days in any one calendar year. Departmental and board expenditures under the provisions of this chapter shall be limited to the monies appropriated by this chapter and future appropriations for the enforcement and administration of this chapter.

**SB 337,** AN ACT relating to the Turnpike Authority of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

The Turnpike Authority of Kentucky is created solely to perform essential governmental functions and to serve the public purposes of constructing, acquiring, financing and operating turnpike and other road projects for the use, safety, convenience and general welfare of the traveling public. In accomplishing such public purposes, the Turnpike Authority of Kentucky shall be and constitute a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky.

**SB 342,** AN ACT relating to the Kentucky Pollution Abatement Authority.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

The Kentucky Pollution Abatement Authority is created solely to perform essential governmental functions and to serve the public purpose of engaging in a program of assistance to governmental agencies in

Kentucky with respect to the construction and acquisition of waste water treatment works. In accomplishing such purposes, the Kentucky Pollution Abatement Authority shall be and constitute a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky.

**SB 344,** AN ACT relating to the State Property and Buildings Commission.

WHEREAS, the United States department of the treasury, internal revenue service, has issued certain proposed regulations concerning the issuance of municipal bonds which seem to require a modification of the existing authority of the state property and buildings commission, which has long been the agency used by the commonwealth of Kentucky for the issuance of bonds for most state purposes, whether such bonds are general obligation bonds voted by the people or revenue bonds dependent solely upon the income derived from authorized projects; and

WHEREAS, said proposed regulations also seem to require the reconstitution of the state property and buildings commission; and

WHEREAS, the general assembly is conscious of the fact that if any action should be required by the regulations of the internal revenue service, such actions should be taken during the present session of the general assembly, even though the proposed regulations are not yet in final form,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 56.440 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the state property and buildings commission.

(2) "Real estate" includes lands together with improvements thereon and appurtenances thereto.

(3) "Building" includes any structure or improvement upon real estate of a permanent nature [;] and additionally includes any sites, structures, equipment, machinery or devices for the purpose of establishing, developing or furthering television or related services in aid of education or in aid of any other proper public functions, whether or not the same would otherwise be legally defined as buildings*; but only if used or to be used by the commonwealth of Kentucky or one of its departments or agencies (not including independent municipal corporations or political subdivisions).*

(4) "Building project" includes the construction, reconstruction and structural maintenance of buildings, the installation of utility services, including roads and sewers, and the purchase and installation of equipment, facilities and furnishings of a permanent nature for buildings, and the purchase and installation initially of movable equipment, furnishings and appurtenances necessary to make a building operable, and for television or related purposes as referred to in subsection (3) of this section, *for use by the state government or one of its departments or agencies, not including any independent municipal corporation or political subdivision.*

(5) "State agency" means any state administrative body, agency, department or division as defined in KRS chapter 12, or any board, commission, institution, *or* division [, university, or college] exercising any function of the state *but which is not an independent corporation or political subdivision.*

(6) "Department" means the Executive Department for Finance and Administration.

Section 2. KRS 56.450 is amended to read as follows:

(1) There is recognized, as an independent agency of the state within the meaning of KRS chapter 12, *and as a constituted authority of the commonwealth of Kentucky, a state and a sovereign entity within the meaning of regulations of the United States department of the treasury, internal revenue service,* a state property and buildings commission composed of the governor, who shall be chairman thereof, the lieutenant governor, the attorney general, the commissioner of the executive department for finance and administration and the commissioner of revenue, or their alternates as authorized and permitted in subsection (5) of this section.

(2) No member of the commission shall receive any salary, fee or other remuneration for his services as a member of the commission but each member shall be entitled to be reimbursed for his ordinary traveling expenses, including meals and lodging, incurred in the performance of his duties.

(3) The commission constitutes a public body corporate with perpetual succession and power in its name to contract and be contracted with, sue and be sued, adopt bylaws, have and use a corporate seal, and exercise all of the powers granted to private corporations generally in KRS chapter 271A, except as the same may be inconsistent with KRS 56.440 to 56.550.

(4) Subject to the provisions of KRS 56.550, but notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, all revenue bonds issued by state agencies except as provided in this chapter *(but not including bonds issued directly by and in the name of the commonwealth of Kentucky under*

*authorization of the executive cabinet),* shall be issued under the provisions of this chapter; Provided further, That as an additional and alternative method for the issuance of revenue bonds under the provisions of this chapter, upon application of any state agency and approval by the commission, the commission acting for and on behalf of said state agency may issue revenue bonds in its own name in accordance with the terms and provisions of KRS chapter 58 secured by and payable solely from all or any part of the revenues of said state agency as may be specified and provided in such approved application, and any covenants and undertakings of said state agency in such approved application with regard to the production of such revenues and the use, application or disposition thereof may be enforced by the holders of any such revenue bonds or by any trustee for such bondholders. *In issuing bonds under its own name, or in approving issuance of bonds by other state agencies, the commission shall be deemed to be acting for the state government of the commonwealth of Kentucky as one unit within the meaning of the regulations of the United States department of the treasury, internal revenue service, and it shall be limited to the issuance of bonds to accomplish the public purposes of that unit.*

(5) (a) Each member of the commission is hereby authorized and empowered to designate by an instrument in writing over his signature and filed with the secretary as a public record of the commission, an alternate with full authority to attend in the absence of the appointing member for any reason, any properly convened meeting of the commission and to participate in the consideration of, and voting upon, business and transactions of the commission. Any such designation of an alternate may, in the discretion of the appointing member, be limited upon the face of the appointing instrument, to be effective only for a designated meeting or only for specified business; or the same may be shown on the face of the appointing instrument to be on a continuing basis *(but in no case for a period of more than four years),* whenever the appointing member is unable to attend, but always subject to revocation by the appointing member in an instrument of like formality, similarly filed with the secretary as a public record of the commission. Any party transacting business with the commission, or materially affected thereby, shall be entitled to accept and rely upon a joint certificate of the secretary of the commission and any member of the commission concerning the designation of any alternate, the time of designation, the scope thereof, and if of a continuing nature whether the same has been revoked, and when; and such joint certificate shall be made and delivered to any such party within a reasonable time after written request is made therefor with acceptable identification of the business or transaction referred, and of the requesting party's interest therein. Each alternate shall be a person on the staff of the appointing member, or in the employ of his agency or department of the government of the commonwealth, as the case may be.

(b) Any three (3) members of the commission shall constitute a quorum and shall by majority vote be authorized to transact any and all business of the commission. One (1) alternate may be substituted for a member in order to establish a quorum, provided that no business is transacted beyond the scope of authority of such alternate.

*(c) The state property and buildings commission is reconstituted as of the effective date of this Act with the powers herein provided.*

Section 3. KRS 56.510 is amended to read as follows:

(1) In carrying out the purposes of KRS chapter 56, and in providing for the expenditure of funds for the acquisition of real estate or for a building project for the state or for any state agency, the department may find that the cost may be paid in whole or in part (a) out of the funds appropriated specifically for capital outlay purposes, or (b) out of funds directly appropriated to the involved state agency which may legally be available for the purpose, or (c) out of funds derived or which may be derived by the issuance and sale of revenue bonds by the commission *(but only for the purpose of acquiring property for use by the state government or one of its departments or agencies, but not including any independent municipal corporation or political subdivision),* or (d) by any one (1) or a combination of said methods of financing. Any such findings providing for the issuance and sale of bonds shall be submitted to the commission for final determination. When any funds appropriated to or standing to the credit of a particular state agency are to be used for a purpose of the character above contemplated, the head of the agency may direct that the funds be transferred to the credit of the executive department for finance and administration and made available for expenditure by the executive department for finance and administration for the agreed purpose.

(2) In any case where the expenditures for the acquisition of real estate or for a building project for the state or any state agency are to be financed in whole or in part by the issuance or sale of revenue bonds, the commission may provide that the title to any real estate which may be so acquired shall not vest in the commonwealth until the revenue bonds, together with interest thereon, have been paid in full. In such cases the commission may, by agreement or in a trust indenture securing the payment of such revenue bonds, provide that the title of such real estate may be vested in some other state agency, or in a trustee named in such indenture, until the revenue bonds, together with the interest thereon, have been paid in full. *It shall be provided in any such financing (i) that upon the retirement and discharge of the bonds, notes, or other obligations issued by the commission at the direction of and on behalf of a state agency, title to the public*

*project or public projects so acquired shall vest in the commonwealth; (ii) that in the event of default with respect to such bonds, notes, or other obligations, the commonwealth shall have the exclusive option to acquire the public project or public projects for the amount required to discharge such bonds, notes, or other obligations, and is provided a reasonable time to exercise such option; (iii) that the issuance of such bonds, notes, or other obligations shall be directed by and approved by such state agency not more than sixty (60) days prior to the date of issue of such obligations; and (iv) that no bonds, notes, or other obligations shall be issued by the commission for and on behalf of such state agency except upon express direction of such state agency.*

(3) The department, in providing for the expenditure of funds for any of the purposes mentioned in this section, or the commission in providing for the issuance and sale of bonds, shall have power to provide by agreement with the state agency affected, or by provision in the trust indenture securing the bonds, such terms and conditions as may be considered appropriate and reasonable so as to permit the leasing to, and use by, any state agency which provides funds either (a) from its own appropriation, or (b) by the issuance of revenue bonds, or (c) by means of a proposal to pay a rental for the use of all or any part of any building proposed to be constructed. The department or the commission, in making any such lease agreement, or in making provision in any trust indenture securing revenue bonds, is authorized and empowered to lease all or any part of the building for such term and upon such conditions and for such considerations as may appear to be in the public interest.

Section 4. KRS 56.520 is amended to read as follows:

(1) The commission may issue and sell revenue or other authorized bonds, in carrying out the provisions of this chapter, in denominations and amounts, as is deemed to be for the best interest of the commonwealth, for any of the following purposes:

(a) To acquire real estate *for state governmental use*;

(b) To pay all or any part of the expense or cost of or incidental to a building project *for state governmental use*;

(c) To defray the cost of plans, specifications, blueprints, architectural fees and other expenses authorized to be incurred *for state governmental use* [under the terms of KRS chapter 56].

(2) Any revenue bonds issued shall bear interest at a rate *established in accordance with law* [not exceeding six and one-half per cent (6 1/2%) per annum], payable semiannually, and shall become due and payable not more than forty (40) years from the date of issuance. The payment of the bonds, together with the interest thereon, may be secured by a pledge and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Neither the payment of any bond, nor the interest thereon issued under the authority of KRS chapter 56, shall constitute an indebtedness of the commonwealth of Kentucky, nor shall any bond or interest thereon be payable out of any fund except funds derived from rentals or other revenues derived from the operation of the properties or from revenues as are available for the purpose by law.

(3) All bonds issued by the commission under the provisions of KRS chapter 56, shall be sold after newspaper advertising conforming to the requirements of KRS chapter 424.

(4) All competitive bids for the sale of revenue bonds shall be opened and read publicly by the commissioner of finance or his representative at a designated place, day and hour, all of which shall be announced in the advertising made relative thereto.

(5) In the event the commission issues and sells bonds for a building project as authorized by KRS chapter 56, insurance, including fire and windstorm, casualty, catastrophe, use and occupancy and such other insurance as the commission may deem advisable, shall be carried in connection with the building project, and it may so obligate and bind itself in a trust indenture securing the payment of the bonds. Any insurance shall be paid for out of funds available for the project.

(6) All money from the sale of bonds shall be deposited in the state treasury and shall be credited to a special account to be designated as directed by the department, and no part thereof shall be withdrawn from the state treasury except for the purposes authorized by KRS chapter 56, together with the cost incidental to the issuing and selling of the bonds and other expenses directly related thereto. The commission may provide in any trust indenture securing bonds for additional terms and conditions thereof, or for other restrictions not in conflict with KRS chapter 56.

Section 5. This Act shall be effective October 1, 1976.

**SB 355,** AN ACT relating to the office of Attorney General.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 8.030 is amended to read as follows:

(1) The commission shall provide for the establishment of a permanent advisory committee on intergovernmental relations to be called the governor's advisory committee on intergovernmental relations.

(2) The committee shall function as a permanent standing advisory committee to the Kentucky commission on interstate cooperation and shall have no administrative functions.

(3) The governor's advisory committee on intergovernmental relations shall be composed of: (a) the governor; (b) the chairman of the Kentucky commission on interstate cooperation; (c) the chief justice of the *Supreme Court* [Court of Appeals]; *(d) the attorney general; (e)* [(d)] the commissioner of the executive department for finance and administration; *(f)* [(e)] *five (5)* [four (4)] additional qualified members appointed by the governor.

(4) The governor will serve as chairman of the advisory committee.

Section 2. KRS 66.300 is amended to read as follows:

(1) There shall be a county debt commission, consisting of the governor, the state treasurer, the auditor of public accounts, the secretary of state, *the attorney general,* the commissioner of highways, the commissioner of the executive department for finance and administration, and the commissioner of revenue. The governor shall be chairman. When the governor is absent from Frankfort, the lieutenant governor shall be chairman, and when both the governor and the lieutenant governor are absent from Frankfort, the commissioner for the executive department for finance and administration shall be chairman. The state local finance officer shall serve as secretary of the commission. Each member shall serve without additional compensation, and each member except the governor may, by advising the governor in writing, authorize an executive officer of the department of which he is head to act for him as a member of the commission.

(2) The chairman may, at his discretion, call meetings of the commission and designate the time and place of the meeting. The chairman and four (4) other members of the commission shall constitute a quorum. The commission, by a majority vote of the quorum present, may adopt appropriate rules and regulations for the enforcement of KRS 66.280 to 66.390, hear and dispose of appeals from rulings of the state local finance officer, and perform the other duties imposed upon it.

(3) The commission may hold public hearings on any question before it, or the chairman may appoint a committee of the commission or a referee to hold the hearing with instructions to report any findings or recommendations to the commission. The officials or taxpayers of a county or the creditors thereof having a material interest in any hearing before the commission shall, upon their demand, be heard.

(4) The commission shall study the problems of county finance in Kentucky and other states for the purpose of making recommendations to the legislative research commission and the general assembly. The commission may require the state local finance officer to prepare studies on designated subjects, and to publish such studies as it directs, and to supply any available information and make such special inquiries or investigations as it deems necessary.

(5) Any county aggrieved by a ruling of the state local finance officer may within fifteen (15) days thereafter appeal to the commission. The decision of the commission shall be final except as otherwise provided in KRS 66.280 to 66.390.

Section 3. KRS 151.330 is amended to read as follows:

(1) The governor, the secretary for natural resources and environmental protection, the commissioner for the executive department for finance and administration, the secretary for human resources or his designee, the commissioner of commerce, the commissioner of agriculture, the secretary of the cabinet for development, *the attorney general,* the secretary of the department of transportation, the commissioner of fish and wildlife resources, and the commissioner of parks, and their respective successors in office, shall be a body corporate and politic, constituting a public corporation and a governmental agency and instrumentality of the Commonwealth by the name of "The Water Resources Authority of Kentucky" with perpetual succession and with power in that name to contract and be contracted with, sue and be sued, have and use a corporate seal, and exercise, in addition to the powers and functions specifically stated in this chapter, all the usual powers of private corporations to the extent that the same are not inconsistent with specifically enumerated powers.

(2) The members of the authority shall receive no compensation for their service in that capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with the performance of their duties and functions as such members.

(3) Six (6) members of the authority shall constitute a quorum for the transaction of business. The governor shall, by virtue of his office, be the chairman of the authority. The secretary for natural resources and environmental protection shall, by virtue of his office, be the vice-chairman of the authority. The commissioner for the executive department for finance and administration shall, by virtue of his office, be the treasurer of the authority.

Section 4. KRS 156.265 is amended to read as follows:

(1) There shall be a state committee for school district audits comprised of the governor, or a person designated by him, *the attorney general,* a person designated by the commissioner for the executive department for finance and administration and the superintendent of public instruction. The governor, or the person designated by him, shall be the chairman of the committee.

(2) The committee shall have the accounts of each board audited not less than once every two (2) fiscal years. The committee also may, at any time, cause to be made a comprehensive and complete audit of any board. Upon the written request of the state board, the superintendent of public instruction, the attorney general, the auditor of public accounts or the governor, the committee may cause the accounts of a board to be audited. Each audit shall cover such period of time, and shall include such auditing procedures and standards, as the committee may designate.

(3) Audits authorized under this section are in addition to any audits contemplated under KRS 11.090, 156.200 or KRS chapter 43.

(4) The actual expense of any audit authorized under this section shall be borne equally by the district board of education and by the committee from funds allocated to it.

Section 5. KRS 216.803 is amended to read as follows:

(1) The Kentucky health and geriatric authority shall be composed of *five (5)* [four (4)] members who shall be the governor, secretary for human resources or his designee, commissioner of health services, *attorney general* and the commissioner of revenue. These *five (5)* [four (4)] persons and their successors in office are a body corporate and politic constituting a public corporation and governmental agency and instrumentality of the commonwealth by the name of the "Kentucky health and geriatric authority," with perpetual succession and with power in that name to contract and be contracted with, to convey property, to sue and be sued, to have and use a corporate seal, and to exercise, in addition to the powers and functions conferred by KRS 216.800 to 216.853, all of the usual powers of corporations not inconsistent with specifically enumerated powers.

(2) The members of the authority shall receive no compensation for their services, but are entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as members.

(3) Three (3) members of the authority shall constitute a quorum for the transaction of business. The governor shall be the chairman of the authority and the secretary for human resources or his designee shall be the vice-chairman. The authority shall elect a secretary and a treasurer who shall serve at the pleasure of the authority and receive such compensation as may be determined by the authority. The treasurer shall give bond to the authority for a faithful accounting for all funds coming into his custody, in such amount as the authority may prescribe, drawn upon a surety company qualified to do business in the commonwealth, premium therefor to be paid by the authority. The authority shall establish and maintain an office and the secretary of the authority shall maintain therein complete records of the authority's actions and proceedings, as public records open to inspection.

Section 6. KRS 198A.030 is amended to read as follows:

(1) There is hereby created and established as a governmental instrumentality of the Commonwealth, to be independent of the Executive Branch, a public body corporate to be known as the Kentucky Housing Corporation.

(2) The housing corporation is created and established to serve a public purpose and to act for the public benefit and as a governmental instrumentality of the Commonwealth to act on behalf of the Commonwealth and its people in improving and otherwise promoting their health, welfare and prosperity.

(3) The housing corporation shall be governed by a board of directors, consisting of *thirteen (13)* [ eleven (11)] members, *five (5)* [four (4)] of whom shall be the Commissioner of the Executive Department for Finance and Administration, the Director of the Office for Local Government, the Commissioner of Revenue, *the attorney general,* and the Commissioner of Commerce, or their duly appointed designees, as public directors, and *eight (8)* [seven (7)] of whom shall be chosen from the general public residing in the Commonwealth, as private directors.

(4) Upon organization of the housing corporation, the Governor shall appoint the eight (8) private directors to take office and to exercise all powers thereof immediately. Of the eight (8) members of the corporation thus appointed, two shall continue in office for terms of one year, and two for terms of two, three and four years respectively as the Governor shall designate; at the expiration of said terms and for all succeeding terms, the Governor shall appoint a successor to the office of private director for a term of four years in each case.

(5) In case of a vacancy, the Governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The Governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The Governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six months after the expiration of the then current term of the Governor designating such chairman.

(8) The corporation shall annually elect one of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three days' written notice to each director or upon the concurrence of at least seven directors.

(12) Directors shall receive no compensation for their services but shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

**SB 356,** AN ACT relating to the interstate agreement on detainers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 440 IS CREATED TO READ AS FOLLOWS:

Commonwealth of Kentucky is a party to the interstate agreement on detainers and shall be deemed to have contracted with each state joining therein an amendment to said interstate agreement in the form substantially as follows:

### Amendment to the interstate agreement on detainers concerning detainers based on violations of the terms of probation and parole

(1) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(2) All provisions and procedures of KRS 440.450 shall be construed to apply to any and all detainers based on unheard, undisposed of, or unresolved affidavits and warrants charging violations of the terms of probation and parole.

The Committee on Public Utilities reported **SB 223,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 223,** AN ACT relating to the licensing of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 186 is created to read as follows:

(1) Owners of motor vehicles who are residents of this state may, upon payment of license fee in addition to that provided in KRS 186.050 of twenty-five ($25), apply to the county clerk for personalized license plates. Such plates shall be affixed to the motor vehicle for which registration is sought in lieu of the regular plates. Any application for such personalized license plates shall in no way interfere with the regular registration of the vehicle, except as provided hereinafter.

(2) The personalized license plates shall be the same color and design as regular license plates, and shall consist of numbers or letters, or any combination thereof, not exceeding six positions and not less than two positions, provided that there are no conflicts with existing license plates series.

(3) The application shall be at such time and on such forms as may be reasonably prescribed by the Secretary of the Department of Transportation, and the personalized license plate shall be issued at such time as he shall reasonably prescribe. The applicant shall indicate the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading.

(4) For services performed, the county clerk shall receive from each applicant in addition to the regular registration fee and to the additional fee as provided for in this section, hereof, the additional sum of one dollar ($1) for each registration under this section. A similar amount shall be charged for the reissuance of such personalized license plates after the sale or transfer of the vehicle to which it was originally attached.

(5) Upon the sale or transfer of a vehicle bearing a personalized license plate, the owner shall remove same and obtain from the county clerk a regular license plate which shall be affixed to the vehicle. The owner shall return the personalized license plate to the county clerk at the same time as the regular license plate is issued. Said personalized license plate shall, on request, be reissued by the county clerk for use on any other vehicle of the same class and category owned by the licensee. The applicant must apply for reissuance of the personalized license plate within thirty (30) days of returning the personalized license plate to the county clerk.

(6) The county clerk shall destroy all personalized license plates retained for more than thirty (30) days.

(7) The Secretary of the Department of Transportation shall make such reasonable rules and regulations, and prescribe such forms as are deemed necessary to further the purpose of this section.

The House Committee Substitute for **SB 223** is as follows:

**SB 223,** AN ACT relating to licensing of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.177 is amended to read as follows:

(1) Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station and operator's license issued by the Federal Communications Commission, upon application for each licensing year, accompanied by proof of ownership of such amateur radio licenses, and upon complying with all other laws of this state relating to the registration and licensing of motor vehicles, and upon the payment of an additional license fee *of twenty-five dollars ($25)* [of ten dollars ($10.00)], shall be issued an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of the station of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle, except as provided hereinafter. Any person purchasing a license plate under the provisions of this section shall be authorized to leave the original plate in the custody of the county clerk and attach the plate bearing the radio call letters on the vehicle so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall reissue same for use on any other vehicle of the same class and category as that for which the license was originally issued and owned by such radio station licensee. The application shall be at such time and on such forms as may be reasonably prescribed by the secretary of the department of transportation, and the special plate shall be issued at such time as he shall reasonably prescribe. *License plates issued under this section shall expire on December 31. A license plate shall not be issued under this section unless an application accompanied by a fee of twenty-five dollars ($25) is received by the department of transportation on or before September 1, preceding the year in which the plate or renewal thereof is to be issued. Any payments required to be made under this section shall be in the form of a certified check, cashier's check or a money order.*

(2) For services performed, the county clerk shall receive from each applicant in addition to the regular registration fee and to the additional license fee as provided for in this section, [hereof] the additional sum of one dollar ($1.00) for each registration under this section. A like amount shall be charged for the reissuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

(3) The secretary of the department of transportation may make such reasonable rules and regulations as he deems necessary to further the purpose of this section.

Section 2. KRS 186.178 is amended to read as follows:

(1) Upon application for each licensing period, and payment of an additional license fee of *twenty-five dollars ($25.00)* [ten dollars ($10.00)], owners of motor vehicles who are duly elected members of the General Assembly shall be issued an additional license plate upon which shall be inscribed, in lieu of the usual registration number, letters indicating whether applicant is a Senator or Representative followed by the number of applicant's senatorial or legislative district (i.e. SENATE-38 or HOUSE-30), and in place of the county name, the word "LEGISLATURE," and the licensing period for which the plate is issued.

(2) Any person who has been sworn as a member of the General Assembly, or who has received his certificate of election to the General Assembly and whose election is not being challenged, may apply for the special legislative license plate authorized by this section, provided the term of office to which he was elected shall not expire before the end of the licensing period, and provided that he has complied with all other laws of this state relating to the registration and licensing of motor vehicles.

(3) Applications shall be filed with the county clerk of the county in which the legislator resides and the clerk shall forward the applications promptly to the department of transportation, noting thereon the current registration number of the vehicle for which the special legislative plate is being sought. The department shall thereupon deliver the special legislative plate to the county clerk. The legislator shall leave the original plate in the custody of the county clerk and attach the special legislative plate to the vehicle so licensed. *License plates issued under this section shall expire on December 31.*

(4) Upon the sale or transfer of a vehicle bearing such special legislative license plate, the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special legislative plate shall be reissued by the county clerk for use on any other vehicle of the same class and category owned by the legislator for which the license was originally issued.

(5) For services performed, the county clerk shall receive from each applicant in addition to the regular registration fee and to the additional license fee as provided for in this section the additional sum of one dollar ($1.00) for each registration under this section. A like amount shall be charged for the reissuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

(6) The secretary of the department of transportation shall make such reasonable rules and regulations, and prescribe such forms, as are deemed necessary to further the purpose of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Any owner of a motor vehicle required to be registered under the provisions of KRS 186.050(1), except taxicabs, airport limousines and U-Drive-Its, may, in addition to registration under KRS 186.050(1), obtain a personalized license plate. A personalized plate shall not be issued unless an application accompanied by a fee of twenty-five dollars ($25) is received by the department of transportation on or before September 1 preceding the year in which the plate or renewal thereof is to be issued. Any payments required to be made under this section shall be in the form of a certified check, cashier's check or a money order. An application for such personalized license plate shall in no way interfere with the regular registration of the motor vehicle except as provided hereinafter. Any person purchasing a personalized license plate under the provisions of this section shall leave the original license plate in the custody of the county clerk and attach the personalized plate to the motor vehicle so licensed. Upon the sale or transfer of such motor vehicle bearing such personalized plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the motor vehicle to be sold or transferred. Said personalized plate may be presented to the county clerk and he shall reissue same for use on any other vehicle of the same class and category as that for which the license was originally issued. License plates issued under this section shall expire December 31.

(2) No personalized plate shall be issued which would conflict with or duplicate the alphabetical-numberical system used for regular license plates or any other license plates issued in this commonwealth, and it shall contain a combination of not more than six (6) letters of the alphabet and arabic numerals, including spaces. No personalized plate shall be issued if, in the discretion of the department, it carries such letter or number combinations which might carry connotations offensive to good taste and decency. The owner must make a new application and pay a new fee each year he desires to obtain a personalized plate. Once an owner obtains a personalized plate, he will have first priority on that plate for each of the following years that he makes timely and proper application.

(3) In the event a personalized plate is lost, stolen or mutilated, the owner may not obtain another such plate until the next registration year. He may, however, obtain the plate for which he had originally registered his motor vehicle under the provisions of KRS 186.050(1).

(4) The department shall send the personalized plate to the county clerk in the county in which the applicant would be required to register his motor vehicle. Upon payment to the clerk of a fee of one dollar ($1.00), in addition to the regular registration fee and the additional license fee as provided for in this Act, the clerk shall issue the personalized plate to the applicant by following the same procedure for the issuance of any license plate under KRS 186.050(1).

(5) The secretary of transportation may make such rules and regulations as he deems necessary to further the purposes of this Act.

SECTION 4. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Upon application for each licensing period, owners of motor vehicles who are duly elected or appointed justices or judges of the Court of Justice shall be issued two (2) additional license plates for an additional annual license fee of twenty-five dollars ($25).

(2) On license plates for justices of the Supreme Court, other than the Chief Justice, shall be inscribed "KENTUCKY," and the licensing period for which the plate is issued, and in lieu of the usual registration number, the initials "JSC" followed by the Supreme Court district from which they serve, and in lieu of the county name, the words "SUPREME COURT." On the plates issued to the Chief Justice shall be inscribed "KENTUCKY," and the licensing period for which the plate is issued, and in lieu of the usual registration number, "-1-", and in lieu of the county name, the words "CHIEF JUSTICE."

(3) On the plates for judges of the Court of Appeals, other than the Chief Judge, shall be inscribed "KENTUCKY," and the licensing period for which the plate is issued, and in lieu of the usual registration number the number of the appellate district from which they serve, followed by the initials "CA", followed by the division number which they serve, and in lieu of the county name the words "COURT OF APPEALS." On plates issued to the Chief Judge shall be inscribed "KENTUCKY," and the licensing period for which the plate is issued, and in lieu of the usual registration number, "-1-", and in lieu of the county name, the words "COURT OF APPEALS."

(4) On the plates for Circuit Judges shall be inscribed "KENTUCKY," and the licensing period for which the plate is issued, and in lieu of the usual registration number the number of the judicial circuit which they serve followed by the initial "C", followed by the number of the division which they serve, if any, and in lieu of the county name the word "JUDICIARY."

(5) On the plates for District Judges shall be inscribed "KENTUCKY," and the licensing period for which the plate is issued, and in lieu of the usual registration number, the number of the judicial district which they serve followed by the initial "D", followed by the number of the division which they serve, if any, and in lieu of the county name the word "JUDICIARY."

(6) Any person who has been sworn as a justice or judge of the Court of Justice, or who has received his certificate of election to the Court of Justice and whose election is not being challenged, may apply for the special judicial license plates authorized by this section, provided the term of office to which he was elected shall not expire before the end of the licensing period, and provided that he has complied with all other laws of this state relating to the registration and licensing of motor vehicles.

(7) Applications shall be filed with the county clerk of the county in which the judge resides and the clerk shall forward the applications promptly to the department of transportation, noting thereon the current registration number of the vehicle for which the special judicial plates are being sought. The department shall thereupon deliver the special judicial plates to the county clerk. The judge shall leave the original plate in the custody of the county clerk and attach the special judicial plates to the vehicle so licensed; one license plate attached to the front of the vehicle, and one license plate attached to the rear of the vehicle. Licenses issued under this section shall expire December 31.

(8) Upon the sale or transfer of a vehicle bearing such special judicial license plates, the owner shall remove same and obtain from the custody of the county clerk the original plate, and attach it to the vehicle to be sold or transferred. Said special judicial plates shall be reissued by the county clerk for use on any other vehicle of the same class and category owned by the judge for which the license was originally issued.

(9) For services performed, the county clerk shall receive from each applicant in addition to the regular registration fee and the additional license fee provided for in this Act, the additional sum of one dollar ($1.00) for each registration under this section. A like amount shall be charged for the reissuance of such special license plates after the sale or transfer of the vehicle to which it was originally attached.

(10) In the event a personalized plate is lost, stolen or mutilated, the owner may not obtain another such plate until the next registration year. He may, however, obtain the plate for which he had originally registered his motor vehicle under the provisions of KRS 186.050(1).

(11) The secretary of the department of transportation shall make such reasonable rules and regulations, and prescribe such forms, as are deemed necessary to further the purpose of this section.

Section 5. For the purposes of this Act there is hereby appropriated in addition to the appropriations made by law out of the general fund in the state treasury the sum of $20,000 for the fiscal year 1976-77 and the sum of $25,000 for the fiscal year 1977-78.

Section 6. This Act shall become effective January 1, 1977.

The Committee on Appropriations and Revenue reported **HB 244**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

### Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 376, SB 330.**

Banking and Insurance: **SB 283.**

Education: **SB 363.**

Public Utilities and Transportation: **SB 339, HR 86.**

Counties and Special Districts: **SB 273, SB 288, SB 352.**

### Motions, Petitions and Communications (continued)

The following members filed Floor Amendments to Bills and Resolutions:

Representative Donnermeyer, No. 1 to **SB 277.**

Representative Overstreet, No. 1 to **HB 641.**

Representative Overstreet, No. 2 to **HB 647.**

Representatives Bruce and Morris, No. 1 to **HB 148.**

Representative B. Richardson, No. 2 to **SB 89.**

Representative DeFalaise, No. 1 to **HB 715.**

Representative Hurst, No. 1 to **SB 256.**

Representative Fitzgerald, No. 1 to **HB 818.**

Representative B. Richardson, No. 1 to **SB 362.**

Representative B. Richardson, No. 1 to **SB 297.**

Representative Lindsay, No. 2 to **HB 715.**

Representative Nett, No. 1 to **SB 13.**

Representative Fitzgerald requested that he be recorded as voting "yea" on **HB 623.**

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns it do so by voice vote and until 9:30 a.m., Friday, March 12, 1976. Agreed.

The following members filed requests with the Clerk to have their names added as co-sponsors of Bills and Resolutions: Representative Mason, **HB 517**; Representative Hopkins, **HB 589.**

## Adjournment

Representative B. Richardson moved that the House adjourn until 9:30 a.m., Friday, March 12, 1976.

## FRIDAY, MARCH 12, 1976

## FIFTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend K. L. Moore, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Benson, Blythe, Maynard, and Stewart.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of March 11, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Resolutions

**HR 110,** by Representative Burnette: A RESOLUTION adjourning in memory of W. L. Holland.

**HR 111,** by Representative Blume: A RESOLUTION creating an Interim Special Advisory Committee on Age Discrimination in Employment and Training Programs.

**HR 112,** by Representative Cyrus: A RESOLUTION saluting the entire membership of the American Legion on March 15, 1976, on the occasion of its 58th anniversary.

**HR 113,** by Representatives Nett, Siemens, Kleier, and O'Brien: A RESOLUTION honoring the 1975 St. Xavier Tigers 4A State Football Champions.

### Report of Committees

The Committee on Appropriations and Revenue reported **SB 254, SB 320,** and **SB 330** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 254,** AN ACT relating to a credit against state income tax for a political contribution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:
There shall be allowed as a credit against the Kentucky personal income tax otherwise due for a taxable year, a contribution of one dollar ($1.00), or two dollars ($2.00) if married and filing a joint return, to a political party as defined in KRS 118.015 designated by the taxpayer [or to a non-partisan general account if indicated]. The credit for the political contribution shall appear on the face of the state personal income tax return. The commissioner of revenue shall annually forward by August 1, all such political contributions to the state treasurer, and the treasurer shall annually remit by September 1, the designated partisan contributions to the chairman of the appropriate political party. [The contributions made to the non-partisan general account shall be allocated by the state treasurer to each such political party in proportion to the combined number of votes its candidates for state offices received in the previous election, after five percent (5%) of the amount in the account is allocated to each such party for each state officer elected in the previous statewide election.]

**SB 320,** AN ACT relating to the Kentucky Historical Society.

WHEREAS, it is the duty of the Kentucky Historical Society to collect, maintain and preserve authentic records, information, facts and relics connected with the history of the Commonwealth and the genealogy of her peoples; and

WHEREAS, there are many old and often abandoned burying grounds and graveyards throughout the Commonwealth; and

WHEREAS, many of these abandoned graveyards are the final resting places of men and women who carved out of the wilderness, with crude handmade tools and unbelievable brawn, this wonderful land we call the Commonwealth;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

(1) In addition to the responsibilities set forth in KRS 171.311, the Kentucky Historical Society shall collect, maintain, preserve, catagorize and cause to be published necessary information concerning Kentucky Family cemeteries;

(2) The Society shall prescribe rules and regulations necessary to carry out the purposes of this Section.

Section 2. There is hereby appropriated to the Kentucky Historical Society the sum of $50,000 for fiscal year 1976-77 and $50,000 for fiscal year 1977-78, to carry out the purposes of this Act.

**SB 330,** AN ACT relating to the financing of a unified state court system.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 32 TO BE NUMBERED KRS 32.011 IS CREATED TO READ AS FOLLOWS:

Nothing contained in KRS 32.011 to 32.070 shall be construed as limiting, restricting, or terminating the authority of local governmental units, including cities, counties, and urban-county governments, to provide financial support for the court system and the offices of the commonwealth's attorneys which are serving that local community, and all such units of local government are further authorized to supplement the financial support provided thereto by the state under KRS 32.011 to 32.070.

SECTION 2. A NEW SECTION OF KRS CHAPTER 32 TO BE NUMBERED KRS 32.021 IS CREATED TO READ AS FOLLOWS:

The fiscal court in the county or counties which comprise a circuit court district shall be responsible for providing the circuit judge with adequate office facilities, all utilities, including local telephone service and long distance telephone charges within that county, an adequately equipped courtroom and all maintenance relating thereto.

SECTION 3. A NEW SECTION OF KRS CHAPTER 32 TO BE NUMBERED KRS 32.031 IS CREATED TO READ AS FOLLOWS:

Each circuit judge may employ a secretary. The secretary shall be appointed by and shall hold office at the pleasure of the judge. The salary for the secretary, payable out of the state treasury, shall be commensurate with the secretary's education, training and experience based upon the guidelines established by the classification and compensation plan for comparable positions maintained by the state department of personnel pursuant to KRS 64.640. Persons employed as secretaries to circuit judges shall be members of the Kentucky employes retirement system in accordance with the provisions of KRS 61.510 to 61.700.

SECTION 4. A NEW SECTION OF KRS CHAPTER 32 TO BE NUMBERED KRS 32.041 IS CREATED TO READ AS FOLLOWS:

The fiscal court in the county or counties that comprise a judicial district shall be responsible for providing the office of commonwealth's attorney with an adequate grand jury room, witness rooms, and telephone service.

Section 5. KRS 32.010, 32.020, 32.030, 32.040, 32.050 and 32.060 are repealed.

Section 6. This Act shall become effective July 1, 1976.

The Committee on Rules reported **HB 170, HB 687, HB 268, HB 413, HB 638, HB 761, HB 771, HB 798, HB 802, HB 812, SB 161, SB 169, SB 191, SB 211, SB 259, SB 276, SB 329, HB 68, HB 531, HB 584, HB 611, HB 665, HB 722,** HB 737, **HB 764, HB 814, HB 815, HB 822, HR 94, SB 1, SB 70, SB 171, SB 187, SB 203, SB 226, SB 242, SB 258, SB 277, SB 279, HB 743,** and **HB 752** have been posted for passage in Orders of the Day, March 15, 1976.

The Committee on Rules reported the following Bills and Resolutions have been recommitted:

State Government: **HB 666, HB 348, HB 746.**

Judiciary-Courts: **HB 433, HB 435.**

Business Organizations and Professions: **HB 561.**

Public Utilities and Transportation: **HB 656.**

Health and Welfare: **HB 717.**

### Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Business Organizations and Professions: **SB 367.**

Judiciary-Courts: **SB 274, SB 364.**

### Calendar

**HB 727** with Committee Amendment attached thereto, **HR 102, SB 185, SB 256** with Committee Amendment attached thereto, **SB 296, SB 316, SB 220, HB 621** with Committee Amendment attached thereto, **HB 660** with Committee Amendment attached thereto, **HB 823, SB 224, HB 730, HB 757, HR 2, SB 166, SB 172, SB 195, SB 213, SB 214, SB 248, SB 249, HB 728, HR 74, HB 682, HB 773** with Committee Amendment attached thereto, **SB 32, SB 200, SB 244, SB 339,** HB 689, **HB 507** with Committee Substitute attached thereto, **SB 170, SB 243,** SB 262, **SB 299, SB 337, SB 342, SB 344, SB 355, SB 356, SB 223** with Committee Substitute attached thereto taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

### Report on Enrolled Bills

**HB 255, HB 423, HB 457, HB 585, HB 563,** and **HB 569** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Orders of the Day

**HB 602** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that the rules be suspended for the purpose of taking a call of the roll to show co-sponsors of **HB 602.** Agreed.

The following members voted to co-sponsor **HB 602:** Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Brinkley, Brown, Burnette, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Head, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, Kleier, Lindsay, Little, Mann, Mason, May, McBee, McBride, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Stephens, Thomas, R. Turner, Wells, Wible, Wooden, Wright.

Representative Deskins moved the adoption of the Committee Amendment to **HB 602.** Agreed.

Representative Deskins moved that **HB 602,** as amended, be passed.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, Wible, Wooden, Wright. Nays 0.

**HB 602,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 602,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Recess

Representative B. Richardson moved that the House recess for ten minutes for a meeting of the Committee on Committees. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day (continued)

Representative Nett moved the adoption of the following **HR 113:**

**HR 113,** A RESOLUTION honoring the 1975 St. Xavier Tigers 4A State Football Champions.

WHEREAS, the St. Xavier Tigers stoutly defended their 1974 state championship against statewide competition; and

WHEREAS, the St. Xavier Tigers have remained undefeated throughout the 1974 and 1975 football seasons and have won twenty-five consecutive games; and

WHEREAS, these recent accomplishments add to the long tradition of winning football at St. Xavier;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the St. Xavier Tigers is honored for winning the 1975 4A state football championship.

Section 2. That the clerk of the House of Representatives is hereby directed to send copies of this resolution to the principal, Brother John Wills, and head coach, Bill Glaser, of St. Xavier High School.

Agreed.

**HB 641** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 641:**

Amend printed copy of House Bill 641 on page 7, line 18, by adding a new subsection 3 which reads as follows:

"(3) Any person who violates the confidentiality of any mental health record under the provisions of this Act shall be guilty of a Class A misdemeanor."

Agreed.

Representative B. Richardson moved that **HB 641,** as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 641,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 641,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 647** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 647:**

Amend printed copy of House Bill 647 on page 6, line 6; page 10, line 20; page 13, line 7; and page 18, line 8, by deleting "twenty-one (21)" and by inserting in lieu thereof "ten (10)"

and on page 5, line 7, by inserting after the word "requests" the following: "in writing"

and on page 5, line 21; page 5, lines 25 and 26; page 8, line 7; and page 25, line 21, after the word "excluding" by inserting "weekends and"

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **HB 647:**

Amend printed copy of House Bill 647 on page 42, line 12, by creating a new Section 34 which reads as follows:

"SECTION 34. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

Any person who violates the confidentiality of any mental health record under the provisions of KRS Chapter 202A shall be guilty of a Class A misdemeanor."

Agreed.

Representative B. Richardson moved that **HB 647,** as amended, be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, R. Turner, Wible, Wooden, Wright, Yates. Nays 0.

**HB 647,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 647,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HR 41** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that **HR 41** be passed.

**HR 41** was adopted by voice vote.

**HJR 75** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kidd moved that **HJR 75** be passed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 0.

**HJR 75** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 75** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 161** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved the adoption of the following Floor Amendment No. 1 to **HB 161:**

Amend printed copy of House Bill 161 on page 1, line 16, after the word "home," and before the word "and" insert the following: "or residences owned by any religious society, and occupied as a home,"

and on page 2, line 2, after the word "home;" delete the following: "a home-"

and on page 2, delete lines 3 through 10 in their entirety and insert in lieu thereof the following: "crops grown in the year in which the assessment is made, and in the hands of the producer; and real property maintained as the permanent residence of the owner, who is sixty-five years of age or older *or permanently and totally disabled,* up to the assessed valuation of sixty-five hundred dollars on said residence and contiguous real property, except for assessment for special benefits. The real property may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall apply only to the value of the real property assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property. All laws"

Agreed.

Representative Holbrook moved that **HB 161,** as amended, be passed.

On the roll call the vote was yeas 62-Ackerson, B. Adams, J. Allen, W. Allen, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Cyrus, DeMarcus, Denham, Deskins, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McGill, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, P. Richardson, Robinson, Sale, Siler, Stephens, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 6-Clarke, Craddock, Crupper, Fitzgerald, McBride, Tobin.

**HB 161,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 161,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 276** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the following Floor Amendment No. 1 to **HB 276:**

Amend printed copy of House Bill 276 on page 1, line 14, delete the word "*At*"

and on page 1, line 15, delete the words "*the general election in the year 1977 one commissioner*"

and on page 1, line 16, delete words "*shall be elected from the county at large in the manner*"

line 17, delete the words "*provided by existing law.*"

and on page 2, line 3, delete the words "*; provided that the term of office of the*" and insert in lieu thereof "*. The seventh member of the Fiscal Court is the member who was elected in 1977 and whose term expires in 1981. In 1981 his successor will run from one of the seven equal districts created by the 1978 General Assembly and will serve for four years or until his successor is elected.*"

and on page 2, line 4, delete the words "*commissioner elected in the year 1977 shall be four*"

and on page 2, line 5, delete the word "*years*"

Agreed.

Representative Yates moved that **HB 276,** as amended, be passed.

On the roll call the vote was yeas 56-Ackerson, J. Allen, Bendl, Bennett, Blair, Blandford, Brinkley, Brown, Burnette, Carpenter, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Priddy, Romines, Sale, Schmidt, Siemens, Siler, R. Turner, White, Wooden, Wright, Yates. Nays 8-W. Allen, Clarke, Cooper, McBride, Richards, Tobin, Vincent, Wible.

**HB 276,** as amended, was defeated.

**HB 120** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and place upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the following Floor Amendment No. 1 to **HB 120:**

Amend printed copy of House Bill 120 on page 1, line 3, after the word "mean" and before the word "any" insert the following: "any land fill, and except for rock and stone quarries,"

Agreed.

Representative Yates moved that **HB 120,** as amended, be passed.

On the roll call the vote was yeas 30-Ackerson, Bendl, Bennett, Beshear, Blume, Brown, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Dunn, Foster, Gray, Guenthner, Hughes, Isler, Kidd, Kleier, Little, Mann, Mason, Muncy, O'Brien, Priddy, Romines, Siler, Tobin, Wooden, Yates. Nays 43-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bevins, Blair, Blandford, Boatwright, Brinkley, Burnette, Clarke, Cooper, Craddock, Crupper, Denham, Doss, Fitzgerald, Floyd, Givhan, Hancock, Head, Holbrook, Holloway, Hopkins, Jones, Kenton, King, LeMaster, May, McBride, Morgan, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Stephens, R. Turner, Vincent, White, Wible.

**HB 120,** as amended, was defeated.

**HB 175,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved the adoption of the Committee Amendment to **HB 175.** Agreed.

Representative O'Brien moved that **HB 175,** as amended, be passed.

On the roll call vote was yeas 32-Arnold, Blume, Burnette, Clarke, Craddock, Denham, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Givhan, Gray, Head, Holbrook, Holloway, Kidd, Kleier, LeMaster, Lindsay, Little, Mason, Muncy, O'Brien, Pearl, Romines, Sale, Stephens, Wells, Wooden, Wright, Yates. Nays 35-Ackerson, W. Allen, Beshear, Blair, Blandford, Boatwright, Brinkley, Brown, Carpenter, Clapp, Cooper, Crupper, Cyrus, DeMarcus, Doss, Floyd, Guenthner, Hancock, Hopkins, Hughes, Isler, Jones, McBee, McBride, Overstreet, Rattliff, B. Richardson, Robinson, Schmidt, Siler, Thomas, R. Turner, Vincent, White, Wible.

**HB 175,** as amended, was defeated.

**HB 187,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved the adoption of the Committee Amendment No. 1 to **HB 187.** Agreed.

Representative Guenthner moved that **HB 187,** as amended, be passed.

On the roll call the vote was yeas 52-Ackerson, B. Adams, J. Allen, W. Allen, Bennett, Beshear, Bevins, Blair, Brinkley, Brown, Burnette, Clapp, Cooper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, Kleier, Lindsay, Little, Mason, May, McBee, Muncy, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, Siler, R. Turner, Wright. Nays 20-Bendl, Blandford, Blume, Carpenter, Clarke, Craddock, Crupper, Denham, Hancock, Jones, Kidd, LeMaster, Mann, McBride, McGill, Pearl, Siemens, Tobin, Vincent, Wible.

**HB 187,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 187,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the rules be suspended for the purpose of making a motion. Agreed.

Representative Morgan moved that **SB 263** be taken from the Committee on Health and Welfare and sent to the Committee on State Government. Agreed.

**HB 459,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **HB 459.** Agreed.

Representative B. Richardson moved that **HB 459,** as amended, be passed.

On the roll call the vote was yeas 75-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Wible, Wooden, Wright. Nays 7-A. S. Adams, Blair, Muncy, Robinson, Siler, Vincent, White.

**HB 459,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 459,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Wible moved that the rules be suspended for the purpose of making a motion. Agreed.

Representative Wible moved that **SB 364** be taken from the Committee on Judiciary-Statutes and sent to the Committee on Judiciary-Courts. Agreed.

**HB 645** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gray, Guenthner, Hancock, Head, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Mann, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 5-DeMarcus, Denham, Deskins, Lindsay, Little.

**HB 645** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 645** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 651,** with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **HB 651.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment to the Committee Substitute for **HB 651.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 651:**

Amend printed copy of Committee Substitute for House Bill 651 on page 1, line 8, by placing "[ ]" around the words "electric and gas systems,"

and on page 2, line 25 after the word "issued" by adding the words "; Provided, however, that no bonds or other obligations shall be authorized under the provisions of this chapter for the construction or acquisition of telephone, gas or electric facilities"

and on page 5, lines 12-24 by deleting same.

Agreed.

Representative B. Richardson moved that **HB 651,** by way of Committee Substitute as amended, be passed.

**HB 651,** AN ACT relating to public projects.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF CHAPTER 58 OF THE KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

(1)(a) As used therein, the term "Public Project" shall have the same meaning as ascribed to such term by KRS 58.010, and the term "Public Project" shall include, inter alia, but not by way of limitation, public facilities such as sewers, sewage treatment works, water systems, electric and gas systems, streets, sidewalks and other public ways, both vehicular and pedestrian, parks and recreational and sports facilities, hospitals and health facilities, educational facilities, drainage and reclamation projects, jails, municipal buildings, public docks, wharves and port facilities, solid waste disposal facilities, pollution control systems, mass commuting and transport systems, industrial parks, courthouses and other public buildings, public parking and garage facilities, and other edifices, projects and like things and objects intended for governmental and public purposes.

(b) As used herein, the term "Governmental Agency" shall mean any division of the Commonwealth which is a municipal corporation and political subdivision of the Commonwealth of Kentucky, or to which has been delegated the right to exercise part of the sovereign power of the Commonwealth.

(2) Any Governmental Agency may create a nonprofit corporation pursuant to the provisions of KRS 273.161 to 273.390, inclusive, to act as the agency and instrumentality and the constituted authority of such Governmental Agency in the acquisition and financing of any Public Project which may be undertaken by such Governmental Agency pursuant to the provisions of Kentucky law and thus accomplish a public purpose of such Governmental Agency. Such corporation, upon direction of such Governmental Agency, shall be authorized to issue its bonds, notes or other obligations on behalf of such Governmental Agency for the acquisition and financing of one or more Public Projects on behalf of such Governmental Agency, and may pledge for the amortization of such bonds, notes or other obligations all revenues derived from the operation of such Public Project or Public Projects, including specifically all revenues derived from the leasing of such Public Project or Public Projects directly to the Governmental Agency upon whose behalf and upon whose direction such bonds, notes or other obligations are issued.

(3) It shall be provided in any such financing (1) that upon the retirement and discharge of the bonds, notes or other obligations issued by such corporation at the direction of and on behalf of such Governmental Agency, title to the Public Project or Public Projects so acquired shall vest in such Governmental Agency; (ii) that in the event of default with respect to such bonds, notes or other obligations, the Governmental Agency shall have the exclusive option to acquire the Public Project or Public Projects for the amount required to discharge such bonds, notes or other obligations, and is provided a reasonable time to exercise such option; (iii) that the issuance of such bonds, notes or other obligations shall be directed by and approved by such Governmental Agency not more than sixty (60) days prior to the date of issue of such obligations; and (iv) that no bonds, notes or other obligations shall be issued by such corporation for and on behalf of such Governmental Agency except upon express direction of such Governmental Agency.

(4) Any Governmental Agency creating a corporation pursuant to this Act to act for and on behalf of, and as the agency and instrumentality of, such Governmental Agency in the acquisition and financing of a Public Project or Public Projects shall, at all times either (i) exercise organizational control over such corporation by creating the corporation pursuant to this Act, and retain authority at any and all times to alter or change the structure, organization, programs or activities of the corporation, including the power to terminate existence of the corporation, subject to any limitation on the impairment of contracts entered into by such corporation, or shall (ii) exercise supervisory control over such corporation as may be deemed proper by the Governmental Agency in the administration of the corporation's activities as a constituted authority of such Governmental Agency, and as may be required from time to time by federal law in order to qualify the corporation to issue bonds, notes or other obligations on behalf of the Governmental Agency.

(5) It shall be provided, inter alia, in the articles of incorporation of any such corporation and constituted authority created to act as the agency and instrumentality of a Governmental Agency and to finance Public Projects for such Governmental Agency on its behalf and thereby accomplish a public purpose of such Governmental Agency, (i) that any net revenues of such corporation beyond those necessary for retirement of indebtedness, or implementation of the public purpose or purposes of the corporation and the Governmental Agency shall not inure to the benefit of any person other than the Governmental Agency; (ii) that upon dissolution of the corporation, title to all property owned by such corporation shall vest in the Governmental Agency; and (iii) that the corporation shall be created and operated solely and only to accomplish one or more of the public purposes of the Governmental Agency and for the acquistion and financing of Public Projects for and on behalf of such Governmental Agency.

(6) The governing body of such corporation shall consist solely and only of the following individuals:

(a) Public officials of the Governmental Agency as ex officio members; or

(b) Persons appointed by the Governmental Agency or by public officials of the Governmental Agency.

Notwithstanding the foregoing, a majority of the governing body of the corporation shall be comprised of public officials of the Governmental Agency as described in subparagraph (a) hereof.

SECTION 2. A NEW SECTION OF THE KENTUCKY REVISED STATUTES IS CREATED TO READ AS FOLLOWS:

The promulgation of certain Income Tax Regulations by the Internal Revenue Service will preclude cities, counties and other units of government in Kentucky from constructing and acquiring public facilities unless this Act is adopted and implemented. Accordingly, an emergency is declared to exist and this Act shall be effective upon approval by the Governor.

On the roll call the vote was yeas 80-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright. Nays 2-DeMarcus, Tobin.

**HB 651,** by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 651,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 738** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 0.

**HB 738** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 738** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 246,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved the adoption of the Committee Amendment to **HB 246.** Agreed.

Representative DeFalaise moved that **HB 246,** as amended, be passed.

On the roll call the vote was yeas 50-Ackerson, B. Adams, Arnold, Bendl, Bennett, Beshear, Blair, Blandford, Blume, Burnette, Carpenter, Clapp, Clarke, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Guenthner, Holbrook, Holloway, Hopkins, Isler, Jones, Kenton, Kidd, King, Kleier, Mann, May, Overstreet, Priddy, Rattliff, Richards, B. Richardson, Robinson, Sale, Schmidt, R. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 28-J. Allen, W. Allen, Bevins, Boatwright, Brinkley, Craddock, Crupper, Deskins, Floyd, Gray, Hancock, Head, Hughes, LeMaster, Lindsay, Little, Mason, McBee, McBride, McGill, Morgan, Morris, Pearl, Siemens, Stephens, Tobin, Thomas, Vincent.

**HB 246,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 246,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 286** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brown moved that **HB 286** be passed.

On the roll call the vote was yeas 74-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Doss, Dunn, Floyd, Foster, Givhan, Gray, Head, Holbrook, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBride, McGill, Muncy, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 2-Clarke, Hancock.

**HB 286** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 286** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Recess

Representative B. Richardson moved that the House recess until 1:15 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day (continued)

**HB 249,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Substitute for **HB 249.** Agreed.

Representative Richards moved that **HB 249,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 69-Ackerson, B. Adams, A. S. Adams, Bendl, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wooden, Wright. Nays 0.

**HB 249,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 249,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 292** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dunn moved that **HB 292** be passed.

On the roll call the vote was yeas 74-Ackerson, B. Adams, Arnold, Bendl, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wible, Wooden, Wright, Yates. Nays 0.

**HB 292** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 292** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 740** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55-B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bevins, Blandford, Bruce, Clapp, Clarke, Craddock, Crupper, Cyrus, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Hancock, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Stephens, Vincent, Wells, White, Wooden. Nays 21-Ackerson, Beshear, Blair, Brown, Burnette, Cooper, Gray, Head, Holbrook, Holloway, Hopkins, Muncy, Overstreet, Pearl, Rattliff, Siler, Tobin, Thomas, Wible, Wright, Yates.

**HB 740** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 740** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 741** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69-Ackerson, B. Adams, W. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, LeMaster, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Richards, P. Richardson, Sale, Siemens, Siler, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden. Nays 3-A. S. Adams, Lindsay, Stephens.

**HB 741** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 741** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 759** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-DeMarcus.

**HB 759** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 759** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 322,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved the adoption of the Committee Amendment to **HB 322.** Agreed.

Representative Thomas moved that **HB 322,** as amended, be passed.

On the roll call the vote was yeas 75-Ackerson, B. Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Brown, Crupper, Cyrus, Dunn, McBee, Rattliff.

**HB 322,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 322,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 547** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **HB 547** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 547** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 547** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 595** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Boatwright moved that **HB 595** be recommitted to the Committee on Public Utilities and Transportation. Agreed.

**HB 626** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 626** be passed.

On the roll call the vote was yeas 60-B. Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Bevins, Blandford, Boatwright, Bruce, Burnette, Clapp, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Holbrook, Holloway, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mason, McBride, McGill, Morgan, Morris, Overstreet, Priddy, Rattliff, Richards, B. Richardson, Robinson, Sale, Schmidt, Siemens, Stephens, Tobin, Wells, White, Wible, Wooden, Wright, Yates. Nays 21-A. S. Adams, Bennett, Blair, Blume, Brinkley, Brown, Carpenter, Cooper, Crupper, Denham, Hancock, Hughes, Little, Mann, McBee, Muncy, Pearl, Siler, Thomas, J. Turner, Vincent.

**HB 626** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 626** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 760** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 760** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 760** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 762** be recommitted to the Committee on Judiciary-Statutes. Agreed.

**HB 763** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Thomas, J. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 4-W. Allen, DeFalaise, DeMarcus, Overstreet.

**HB 763** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 763** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore Clapp, presiding.

**HB 688** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved that **HB 688** be passed.

On the roll call the vote was yeas 68-Ackerson. B. Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Burnette, Carpenter, Cooper, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kidd, King, Kleier LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, Stephens, J. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 1-McBee.

**HB 688** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 688** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 690** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **HB 690** be passed.

On the roll call the vote was yeas 60-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blume, Bruce, Burnette, Carpenter, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Doss, Dunn, Foster, Givhan, Gray, Guenthner, Holbrook, Hopkins, Hughes, Hurst, Isler, Jones, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBride, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, P. Richardson, Robinson, Romines, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 11-W. Allen, Blandford, Crupper, Deskins, Donnermeyer, Fitzgerald, Hancock, Lindsay, McBee, Overstreet, B. Richardson.

**HB 690** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 690** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 709** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **HB 709** be passed.

On the roll call the vote was yeas 60-Ackerson, B. Adams, Bendl, Bennett, Beshear, Bevins, Blandford, Boatwright, Bruce, Carpenter, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kidd, King, LeMaster, Lindsay, Mann, McBride, Morgan, Morris, Nett, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Yates. Nays 12-J. Allen, W. Allen, Blair, Clarke, Cooper, Denham, Deskins, Fitzgerald, Little, McBee, O'Brien, Wright.

**HB 709** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 709** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 765** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73-Ackerson, B. Adams, J. Allen, W. Allen, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Bruce, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-Schmidt.

**HB 765** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 765** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 783** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Ackerson, B. Adams, J. Allen, W. Allen, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Bruce, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 3-Lindsay, Overstreet, Tobin.

**HB 783** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 783** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 719,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved the adoption of the Committee Amendment to **HB 719.**

The Committee Amendment to **HB 719** was adopted by a vote of 41 "yeas" to 21 "nays".

Representative Priddy moved that **HB 719,** as amended, be passed.

Representative DeMarcus moved that consideration of **HB 719,** as amended, be postponed indefinitely.

Representative Lindsay moved that **HB 719,** as amended, be laid on the table.

On the roll call the vote was yeas 37-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Boatwright, Brinkley, Burnette, Clapp, Craddock, Crupper, DeFalaise, DeMarcus, Denham, Dunn, Fitzgerald, Foster, Givhan, Guenthner, Holbrook, Holloway, Hopkins, Jones, LeMaster, Lindsay, Mason, McBride, McGill, Pearl, Rattliff, Richards, P. Richardson, Schmidt, Stephens, Tobin, Vincent, Wells. Nays 32-Bendl, Bennett, Beshear, Blandford, Blume, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Gray, Hancock, Hughes, Isler, King, Little, Mann, McBee, Morgan, Morris, Muncy, Nett, O'Brien, Priddy, Robinson, Romines, Siemens, Siler, J. Turner, Wible, Wooden, Yates.

The motion that **HB 719,** as amended, be laid on the table was adopted.

**HB 774** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 774** be passed.

Representative Pearl moved that **HB 774** be laid on the table.

On the roll call the vote was yeas 21-W. Allen, Beshear, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, DeMarcus, Denham, Deskins, Hancock, Holbrook, LeMaster, Mann, Morris, Pearl, Richards, White, Wible, Wooden. Nays 46-Ackerson, J. Allen, Arnold, Bennett, Bevins, Blandford, Blume, Burnette, Craddock, Crupper, Cyrus, DeFalaise, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hardwick, Holloway, Hopkins, Hughes, Isler, Jones, King, Lindsay, Mason, McBee, McBride, Morgan, Muncy, Nett, Priddy, B. Richardson, P. Richardson, Romines, Schmidt, Siemens, Stephens, Tobin, Thomas, J. Turner, Wright, Yates.

The motion that **HB 774** be laid on the table was rejected.

On the roll call the vote was yeas 28-J. Allen, Bennett, Blandford, Burnette, Craddock, Crupper, Donnermeyer, Doss, Dunn, Givhan, Guenthner, Hopkins, Hughes, Hurst, King, Little, Mason, Morgan, Muncy, Priddy, Romines, Schmidt, Siler, Tobin, Thomas, J. Turner, Wright, Yates. Nays 50-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Beshear, Bevins, Blume, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, Cooper, Cyrus, DeMarcus, Denham, Deskins, Fitzgerald, Floyd, Foster, Gray, Hancock, Hardwick, Holbrook, Jones, Kidd, LeMaster, Lindsay, Mann, McBee, McBride, McGill, Morris, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Siemens, Stephens, Vincent, White, Wible, Wooden.

**HB 774** was defeated.

The Speaker Pro Tempore vacated the Chair.

Representative Morgan presiding.

**HB 778** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **HB 778** be passed.

On the roll call the vote was yeas 69-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Hopkins, Hurst, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siler, Stephens, Thomas, Vincent, Wells, Wooden, Yates. Nays 2-Rattliff, J. Turner.

**HB 778** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 778** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 816** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Gray, Hancock, Hardwick, Holloway, Isler, Jones, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBride, McGill, Morris, Muncy, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, J. Turner, Wells, Wooden, Wright, Yates. Nays 6-Cooper, Denham, Holbrook, Hopkins, Lindsay, Overstreet.

**HB 816** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 816** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 838** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 838**:

Amend printed copy of House Bill 838 on page 2, line 10, by deleting the word "solid" and inserting in lieu thereof the word "radioactive"

and in line 11, by deleting the following: "as defined in KRS 211.700(5)"

and by deleting lines 15 through 25 and inserting in lieu thereof the following:

"(5) "Radioactive waste disposal site or facility" means any installation constructed, used or placed in operation primarily for disposing of contaminated waste materials or radioactive wastes.

(6) "Radioactive wastes" means any and all material which is radioactive or is contaminated by or with radioactive material including but not limited to any structures used in containing such radioactive wastes.

(7) "Radioactive material" means any material, solid, liquid or gas, which emits radiation spontaneously."

Agreed.

On the roll call the vote was yeas 80-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 838,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 838,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 799** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hughes moved that **HB 799** be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Thomas, J. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 0.

**HB 799** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 799** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 806** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the following Floor Amendment No. 1 to **HB 806:**

Amend printed copy of House Bill 806 on page 41, line 9, after the comma strike the balance of the line

and on page 41, lines 10 through 15 by deleting all said lines and by inserting in lieu thereof the following: "the urban county government shall be responsible for any such deficiency."

and on page 42, lines 5 through 26, by deleting all said lines

and on page 43, lines 1 through 21, by deleting all said lines

and on page 43, line 22 by re-numbering Section 25 as Section 24

and on page 44, line 4 by re-numbering Section 26 as Section 25

and on page 44, line 12 by re-numbering Section 27 as Section 26

and on page 45, line 2 by re-numbering Section 28 as Section 27

Agreed.

Representative LeMaster moved that **HB 806,** as amended, be passed.

On the roll call the vote was yeas 74-B. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brown, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier LeMaster, Lindsay, Mann, Mason, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 806,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 806,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 842** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 842:**

Amend printed copy of House Bill 842 on page 9, line 26, by removing the bracket before the word "Any";

and on page 10, line 1, by inserting a bracket before the word "including";

and on page 10, line 2, by inserting a bracket after the word "attorneys,";

and on page 10, line 4, by deleting the comma "," after the word "utilities" and inserting in lieu thereof a period ".";

and on page 10, line 5, by inserting a bracket before the word "including";

and on page 10, line 11, by removing the bracket before the word "The";

and on page 10, line 15, by removing the bracket after the word "utility.".

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **HB 842:**

Amend printed copy of House Bill 842 on page 13, after line 24, by adding the following:

"Section 18. Whereas Section 3 of this Act requires an appointment to the Public Service Commission to be made in March of 1976, an emergency is declared to exist and this Act shall become effective on passage and approval by the Governor."

Agreed.

Representative B. Richardson moved the passage of **HB 842,** as amended.

On the roll call the vote was yeas 66-B. Adams, W. Allen, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, Lindsay, Mann, Mason, McBee, McBride, McGill, Morris, Muncy, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Thomas, Vincent, Wells, White, Wible, Wooden, Yates. Nays 1-J. Turner.

**HB 842,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 842,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 73** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HJR 73:**

Amend printed copy of House Joint Resolution 73 on page 1. The Whereas clauses after the first line by adding the words "environmental education"

and in the third line by deleting "consumer" and inserting "such"

and in the fourth line after the word "consumer" by deleting the words "education is" and inserting in lieu thereof the words "and environmental education are"

and in the seventh line after the word "marketplace" by adding the words "and the rapid consumption of our natural resources"

and on the tenth line before the ";" by adding the words "and the Environmental Education Act (KRS 158.280)"

and in the thirteenth line after the word "consumer" by adding the words "and environmental"

and in the fourteenth line after the word "Education" by adding the words "and Environmental Education“;

and on page 1, line 3 after the word "Council" by adding the words ", the Environmental Quality Commission“;

and on page 1, line 6 after the word "Act" by adding the words "and the Environmental Education Act“;

and on page 2, line 4 after the word "Council" by adding the words ", the Environmental Quality Commission“;

and on page 2, line 9 after the word "Council" by adding the words ", the Environmental Quality Commission“;

and on page 2, line 11 after the word "consumer" by adding the words "and environmental“;

and on page 2, line 16 after the word "consumer" by adding the words "and environmental“;

and on page 2, line 18 after the word "consumer" by adding the words "and environmental“;

and on page 2, line 24 after the word "consumer" by adding the words "and environmental“.

Agreed.

Representative B. Richardson moved the passage of **HJR 73,** as amended.

On the roll call the vote was yeas 69-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, Lindsay, Mason, McBee, McBride, McGill, Morris, Muncy, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, J. Turner, Vincent Wells, White, Wible, Wooden, Wright. Nays 2-Mann, Thomas.

**HJR 73,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 73,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 809** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that **HB 809** be passed.

On the roll call the vote was yeas 65-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Isler, Kidd, King, Kleier, Mann, Mason, McBee, McBride, McGill, Morris, Nett, Overstreet, Pearl, Priddy, Richards, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 3-Lindsay, Schmdit, Stephens.

**HB 809** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 809** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 818** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative B. Richardson moved that **HCR 65** be recommitted to the Committee on Judiciary-Statutes. Agreed.

**HCR 84** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved the adoption of **HCR 84.**

On the roll call the vote was yeas 37-Ackerson, J. Allen, W. Allen, Bendl, Bennett, Bevins, Blandford, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Hughes, Isler, Kidd, King, Kleier, Lindsay, Mann, Mason, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler. Nays 2-Blume, Denham.

**HCR 84** was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 84** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 818** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 1 to **HB 818:**

Amend printed copy of House Bill 818 on page 1, line 11, by deleting "fifteen percent (15%)" and by adding in lieu thereof: "twenty percent (20%)"

and on page 2, lines 1 through 7, by deleting lines 1 through 7 in their entirety

and on page 2, line 8, by deleting "(4)" and by adding in lieu thereof "(3)"

and on page 2, line 11, by adding after the word "gratuities" the following: "but in no case shall such elimination of practices affect the distribution of such equipment on a consignment basis to the schools".

Agreed.

Representative Fitzgerald moved that **HB 818** as amended, be passed.

Representative Nett moved that **HB 818,** as amended, be laid on the table.

On the roll call the vote was yeas 23-B. Adams, Arnold, Bendl, Bevins, Carpenter, Crupper, Foster, Hancock, Holbrook, Hopkins, Lindsay, Mason, McBride, Morris, Muncy, Nett, Richards, P. Richardson, Sale, Siler, Stephens, White, Wooden. Nays 35-Ackerson, J. Allen, Bennett, Beshear, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Clapp, Craddock, Cyrus, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Hughes, Isler, Jones, LeMaster, Little, Mann, Robinson, Romines, Schmidt, Thomas, J. Turner, Wible, Wright.

The motion that **HB 818,** as amended, be laid on the table was rejected.

On the roll call the vote was yeas 43-Ackerson, J. Allen, W. Allen, Bennett, Beshear, Blandford, Boatwright, Brinkley, Bruce, Clapp, Craddock, DeFalaise, DeMarcus, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Guenthner, Hughes, Hurst, Isler, Jones, Kleier, LeMaster, Little, Mann, Mason, McGill, Morgan, O'Brien, Priddy, B. Richardson, Robinson, Romines, Schmidt, Tobin, J. Turner, Wells, Wible, Wright. Nays 34-B. Adams, Arnold, Bevins, Blume, Brown, Carpenter, Clarke, Cooper, Crupper, Cyrus, Denham, Dietz, Foster, Gray, Hancock, Holbrook, Hopkins, King, Lindsay, McBee, McBride, Morris, Muncy, Nett, Pearl, Richards, P. Richardson, Sale, Siemens, Siler, Stephens, White, Wooden.

**HB 818,** as amended, was passed and the title agreed to.

Representative Wells moved that the vote by which **HB 818,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 50** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hughes moved the adoption of **HJR 50.**

On the roll call the vote was yeas 63-Ackerson, Arnold, Bendl, Beshear, Bevins, Blandford, Blume, Brown, Bruce, Burnette, Clapp, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holloway, Hopkins, Hughes, Isler, Jones, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright. Nays 0.

**HJR 50** was adopted and the title agreed to.

Representative Wells moved that the vote by which **HJR 50** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HR 87** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Adams moved the adoption of **HR 87.**

On the roll call the vote was yeas 65-B. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morris, Muncy, Nett, O'Brien, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright. Nays 4-J. Allen, Denham, Donnermeyer, McBee.

**HR 87** was adopted and the title agreed to.

Representative Wells moved that the vote by which **HR 87** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 100** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of **HJR 100.**

On the roll call the vote was yeas 71-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Brinkley, Bruce, Burnette, Clarke, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright. Nays 1-Hardwick.

**HJR 100** was adopted and the title agreed to.

Representative Wells moved that the vote by which **HJR 100** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 464,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved the adoption of the Committee Amendment to **HB 464.** Agreed.

Representative Kleier moved that **HB 464,** as amended, be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 464,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 464,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all remaining bills be deferred and that they retain their position in Orders of the Day. Agreed.

The Speaker resumed the Chair.

## Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote and until 12 noon, Monday, March 15, 1976.

Representative Gray moved that **HB 715** be taken from the table and placed in Orders of the Day.

On the roll call the vote was yeas 55-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hardwick, Holbrook, Hopkins, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Mann, McBee, McBride, McGill, Muncy, Nett, Pearl, Priddy, Rattliff, Richards, B. Richardson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Wible, Wooden, Yates. Nays 0.

The motion that **HB 715** be taken from the table and placed in Orders of the Day was adopted.

Representative Foster moved the adoption of the following Legislative Citation No. 48:

The House of Representatives of the Commonwealth of Kentucky hereby honors and congratulates the Lewisburg Rangers Boys' Basketball Team for having won the District 13 Championship. This body applauds the talented efforts of this fine team and Coach Bob Birdwhistle and extends best wishes to them for the future. (Sponsored by Representative Foster)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 49:

The House of Representatives of the Commonwealth of Kentucky hereby honors and congratulates the Olmstead Ramblers Girls' Basketball Team for having won the District 13 Championship for the second consecutive year. This body applauds the talented efforts of this fine team and Coach Denny Milan and extends to them best wishes for the future. (Sponsored by Representative Foster)

Agreed.

Representative Blume moved the adoption of the following **HR 111:**

**HR 111,** A RESOLUTION creating an Interim Special Advisory Committee on Age Discrimination in Employment and Training Programs.

WHEREAS, many persons aged forty and over are fully capable of learning new employment and training skills; and

WHEREAS, arbitrary discrimination based on age in employment or training programs can further contribute to rising unemployment rates; and

WHEREAS, age limitations for entry into bona fide apprenticeship programs if approved by the Kentucky Supervisor of Apprenticeship and by the Kentucky Apprenticeship Council may discriminate against productive persons aged forty and over; and

WHEREAS, federal funds are available to employers to provide for training opportunities for persons who are disadvantaged for various reasons including age;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Interim Special Advisory Committee on Age Discrimination in Employment and Training Programs is hereby created to study training and employment opportunities available to persons aged forty and over and to review the possibility of age discrimination in any apprenticeship programs approved by the Kentucky Supervisor of Apprenticeship and by the Kentucky Apprenticeship Council.

Section 2. That the Interim Special Advisory Committee on Age Discrimination in Employment and Training Programs shall:

(1) Evaluate current employment and training programs available to persons aged forty and over;

(2) Determine the possibility of age discrimination in any apprenticeship programs approved by the Kentucky Supervisor of Apprenticeship and by the Kentucky Apprenticeship Council;

(3) Study the availability and adequacy of federal funds and programs employers may utilize in order to provide for training opportunities for persons aged forty or over;

(4) Use findings of this study in order to make any needed recommendations to the Interim Joint Committee on Health and Welfare.

Section 3. That the Interim Special Advisory Committee shall be composed of four members appointed by the Legislative Research Commission, two of whom shall be members of the Interim Joint Committee on Health and Welfare and two of whom shall be members of the Interim Joint Committee on Labor and Industry. They shall serve until June 1, 1977. Members shall receive the regular per diem and shall be reimbursed for all necessary expenses.

Section 4. That the Interim Special Advisory Committee members shall be appointed within thirty days of the effective day of this resolution. Within sixty days of the effective date of this resolution, those members who have been appointed shall meet to organize to elect a chairman, and to commence work. The Interim Special Advisory Committee members shall make a final written report f their findings and recommendations to the Interim Joint Committee on Health and Welfare no later than June 1, 1977. The Interim Joint Committee on Health and Welfare shall review the Interim Special Advisory Committee's report and recommendations and shall make a report of the Interim Committee's findings and any recommendations or legislative proposals to the Legislative Research Commission no later than October 1, 1977 and to the 1978 Regular Session of the General Assembly.

Section 5. That the Legislative Research Commission shall assign appropriate staff to assist the Interim Special Advisory Committee and shall provide meeting room facilities. All cabinets, agencies and departments of state government shall provide full assistance and information to the Legislative Research Commission and to the Interim Special Advisory Committee upon request.

Section 6. Staff services and expenses of the Interim Special Advisory Committee to be utilized in completing the requirements of this resolution are estimated to cost $6,000. These staff services and Interim Special Advisory Committee's expenses shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

**HR 111** was adopted by voice vote.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 37:

The House of Representatives of the Commonwealth of Kentucky hereby honors Miss Paula Smith of Winchester, Kentucky and congratulates her on winning the George Rogers Clarke Betty Crocker Family Leader of Tomorrow Award. This body recognizes Miss Smith as an outstanding Kentucky Citizen and extends to her best wishes for the future. (Sponsored by Representative P. Richardson)

Agreed.

Representative P. Richardson moved the adoption the following Legislative Citation No. 38:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Clark County Soil Conservation Team and congratulates them on winning the District Award for successful completion of a Planned Project in Clark County. This body commends the efforts of team members Allen Crowe, John Hicks, Charles W. Bradley and Harvey T. Smith in attaining this honor. This body recognizes these Clark Countians as outstanding Kentucky Citizens and extends best wishes for their future projects. (Sponsored by Representative P. Richardson)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 39:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Clark County Soil Conservation Team and congratulates them on winning the District Award for successful completion of a Planned Project in Clark County. This body commends the efforts of the team members and teacher-leaders Janet Campbell, Betty Pace, Jack Wise, Terri Howland, Rebecca Singer, Norman Jones, and Kathy Brown in attaining this honor. This body recognizes these Clark Countians as outstanding Kentucky Citizens and extends to them best wishes for the future. (Sponsored by Representative P. Richarson)

Agreed.

Representative Cyrus moved the adoption of the following **HR 110**:

**HR 110**, A RESOLUTION adjourning in memory of W. L. Holland.

WHEREAS, W. L. Holland was a distinguished citizen of Fulton County, Kentucky; and

WHEREAS, his love and concern for people was manifest in his everyday life and service; and

WHEREAS, W. L. Holland served the Fulton Independent School System well for 39 years; and

WHEREAS, twenty-one years of his service to the school system was as its superintendent, longer than any other person so serving; and

WHEREAS, the remaining eighteen years of his time with the schools were spent as both coach and principal;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives pay tribute to the memory of W. L. Holland by adjourning in his honor this twelfth day of March, 1976.

Section 2. That the Clerk of the House be directed to forward copies of this resolution to the family of W. L. Holland.

**HR 110** was adopted by voice vote.

Representative Robinson moved the adoption of the following **HR 107**:

**HR 107**, A RESOLUTION directing a study of legislative proposals prefiled by interim joint committees.

WHEREAS, House and Senate standing committees are merged as subcommittees of the Legislative Research Commission during the period between sessions and are known as Interim Joint Committees; and

WHEREAS, the interim committee system has been functioning since the 1968 session of the General Assembly; and

WHEREAS, the interim committee bills prefiled prior to the 1974 session of the General Assembly had a better passage rate than regular bills introduced; and

WHEREAS, the 1974-75 interim period was the most active interim to date with over 300 committee and subcommittee meetings held and one hundred and seventy-four legislative proposals prefiled; and

WHEREAS, the interim committee system is an expense to the taxpayers of this Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the director of the Legislative Research Commission analyze and report on the success of legislative proposals prefiled by interim committees during the 1976 session. This report shall include a comparison of the passage rate of interim legislative proposals during the 1974 and 1976 legislative sessions.

Section 2. That the director report these findings to the Legislative Research Commission at its April meeting and transmit the findings to the members of the General Assembly.

**HR 107** was rejected.

Representative Cyrus moved the adoption of the following **HR 112**:

**HR 112**, A RESOLUTION saluting the entire membership of the American Legion on March 15, 1976, on the occasion of its 58th anniversary.

WHEREAS, the American Legion is an organization of patriots dedicated to preserving the true American ideals of democracy and freedom for all; and

WHEREAS, the loyal and law-abiding men of the American Legion have fought and shed their blood in battle to maintain our sacred freedoms and to preserve our country's integrity and pride; and

WHEREAS, it is due to these truly courageous men of the American Leigon that we enjoy freedom from fear and oppression in this great country; and

WHEREAS, the patriotic and honorable men of the American Legion have given their lives unselfishly that democracy may endure and flourish; and

WHEREAS, we revere these men of valor and are heirs of the noble sacrifices they have suffered in our behalf; and

WHEREAS, we realize full well that our debt to them can never be discharged; and

WHEREAS, in this Bicentennial year of our glorious country, March 15, is the 58th anniversary of this honorable and meritorious organization;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That on March 15, 1976, the members of the House of Representatives salute the entire membership of every American Legion post in the Commonwealth on the celebration of their organization's founding.

Section 2. That copies of this resolution be sent to the Department Commander of the American Legion of Kentucky, Mr. J. Leslie Brown, Jr., and to Mr. Ray A. Beyer, Department Adjutant of the American Legion in Kentucky.

Section 3. That Mr. Beyer be requested to make note of the passage of this resolution in The Kentucky Legionnaire.

**HR 112** was adopted by voice vote.

Representative Holbrook moved that the vote by which **HB 107** was rejected be reconsidered.

Representative Robinson moved that **HR 107** be withdrawn. Agreed.

Representative Arnold moved the adoption of the following Legislative Citation No. 35:

The House of Representatives of the Commonwealth of Kentucky hereby honors Miss Sheila Marie Greenwade of Mt. Sterling, Kentucky, and congratulates her on her selection as Kentucky State Dairy Princess for 1976 by the American Dairy Association of Kentucky. This body recognizes Miss Greenwade as an outstanding Citizen of Kentucky and extends to her best wishes for the future. (Sponsored by Representative Arnold)

Agreed.

## Senate Message

Announcing passage of **HB 558** with Amendment, **HB 288** with Amendment, **SB 14, SB 146, SB 349, SB 290, SB 314, SB 292, SB 30, SB 285, SB 383, SB 240, SB 308,** and **HB 93.**

## Motions, Petitions and Communications (continued)

Representative B. Richardson moved that the rules be suspended for Reference of Bills and Resolutions, Report of Committees, and Posting of Bills and Resolutions for Consideration. Agreed.

## Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Education: **SB 357.**

State Government: **SB 381, SB 295.**

### Report of Committees

The Committee on Business Organizations and Professions reported **SB 362,** with Committee Substitute attached thereto, **HB 850, SB 264, SB 297, SB 307, SB 346,** and **SB 367** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 362,** AN ACT relating to projects financed through the issuance of industrial building revenue bonds under KRS 103.200 to 103.285, inclusive.

WHEREAS, certain changes in the economic situation in Kentucky over a period of years, as well as changes in federal statutes, have tended to indicate the desirability of clarifying the language of KRS 103.200 to 103.285, inclusive, and of adding to those sections of the statute certain alternative provisions; and

WHEREAS, the ad hoc committee on industrial financing of the governor's economic development commission, at a meeting held on November 19, 1975, recommended that legislation be prepared and submitted to the general assembly for the purpose of clarifying the statutes and providing alternative procedures; and

WHEREAS, the same or similar recommendations had been made in the special workshop session on industrial development held in Louisville on October 29 and 30, 1975, under the sponsorship of the governor's economic development commission;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 103.200 is amended to read as follows:

As used in KRS 103.200 to 103.285, "building" or "industrial building" means any building, structure, *machinery, equipment* or related improved *site,* area *or edifice* suitable for and intended for use as, *or in connection with the use of,* a factory, mill, shop, processing plant, assembly plant, fabricating plant, *generating plant, or other energy conversion facility,* hospital, facility for the treatment or care of the aged or the infirm, [or] *and any* parking or pollution control area or structure *or industrial transportation facility (including railroad tracks, and docks, wharves and storage and other port facilities directly related thereto, but excluding rolling stock used outside of an industrial building)* deemed necessary to *or useful in* the establishment, retention or expansion thereof, [and the necessary operating machinery and equipment,] or any of these things, to be rented or leased to a domestic or foreign corporation by the city or county by which it is acquired. *A processing plant, within the meaning of this section, shall include any plant established as a manufacturer's distribution center for the packaging or re-distribution of products, any product modification center, and any plant established for the purpose of processing minerals, including the washing, drying, separating, grading, preparing, sorting, and the loading thereof.*

Section 2. KRS 103.210 is amended to read as follows:

In order to promote [the] reconversion to peacetime economy, to relieve [the] conditions of unemployment, to aid in the rehabilitation of returning veterans, to encourage the increase of industry in this state, and to aid in the retention of existing industry through the control of pollution *or through conversion of energy facilities to more readily available fuels,* any city or county may borrow money and issue negotiable bonds for the purpose of defraying the cost of acquiring any industrial building, either by purchase or construction, but only after an ordinance or resolution has been adopted by the legislative body of the city or the fiscal court of the county, as the case may be, specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance or resolution shall further provide that the industrial building is to be acquired pursuant to the provisions of KRS 103.200 to 103.280. *Each such bond-authorizing ordinance or resolution shall be effective only after publication, in a newspaper authorized to publish official advertisements for the issuer, of the title to said ordinance or resolution, together with a statement signed by the clerk of the issuer setting forth the amount of the issue, the name of the lessee corporation, and the fact that the bonds are to be retired from the proceeds of the lease payments as set forth in KRS 103.200 to 103.285 inclusive. No publication of the complete ordinance or resolution shall be required, but said ordinance or resolution shall be entered upon the records of the issuer and shall be available for public inspection.*

Section 3. KRS 103.220 is amended to read as follows:

(1) The bonds may be issued to bear interest at a rate fixed by the city legislative body or the fiscal court of the county, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding twenty-five (25) years from date thereof and at such place or places as the city legislative body or the fiscal court of the county, as the case may be, determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions fixed by the city legislative body or the fiscal court of the county, as the case may be, before issuing the bonds.

*(3) Any bonds issued and outstanding hereunder may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the issuer, with the consent of the lessee, in such amount as the governing body may deem necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, and to pay the costs of any improvements or additions to the project, and of any premiums, expenses and commissions required to be paid in connection therewith. Any refunding bonds issued under the authority of this section shall be payable from the revenues out of which the bonds to be refunded were payable.*

*(4) Any bonds issued and outstanding hereunder and the coupons appertaining to such bonds shall prior to the maturity or redemption date thereof be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if (a) in case any of such bonds are to be redeemed on any date prior to their maturity, the issuer of such bonds shall have given a trustee appointed for the holders of such bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the ordinance or resolution authorizing their issuance, irrevocable instructions to give notice of redemption of such bonds to the holders thereof by publication or by other method which is satisfactory to such trustee, (b) there shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient, to pay when due the principal and the interest due and to become due on such bonds on and prior to redemption date or maturity date thereof, as the case may be, and (c) in the event that such bonds are not to be redeemed within the next succeeding sixty days, the issuer shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such bonds and coupons that the deposit required by (b) above has been made with the trustee, that such bonds and coupons are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such bonds. Any deposits made under (b) hereof, to the extent not secured by the Federal Deposit Insurance Corporation, shall be secured by the pledging of direct obligations of or obligations guaranteed by the United States of America.*

*(5) It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the legislative body of the issuer authorizing such bonds so declares in the proceedings authorizing same, it being hereby declared and determined that the ability of any domestic or foreign corporation renting or leasing any facilities financed by the bonds to cause refunding bonds to be issued will be an inducement for such domestic or foreign corporation to establish in Kentucky the facilities provided for in KRS 103.200 and will tend to further the purposes of KRS 103.200 through 103.280.*

*(6) No bonds shall be issued hereunder in violation of federal statutes or regulations prohibiting arbitrage profits.*

Section 4. KRS 103.250 is amended to read as follows:

(1) A statutory mortgage lien shall exist upon the industrial building so acquired in favor of the holders of the bonds and coupons. The industrial building so acquired shall remain subject to the statutory mortgage lien until the payment in full of the principal of the bonds, and all interest due thereon. *Said statutory mortgage lien shall be effective from and after the recording of a lease of the property, which has been acquired by the issuer of the bonds, to the lessee corporation, and said lien shall attach to all of the property described in said lease, including machinery, equipment and appurtenances described therein in either general or specific terms. No filing or recording or notice of said lien on property held or thereafter acquired by the issuer from the proceeds of the bonds shall be required under the uniform commercial code.*

(2) If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the industrial building on behalf of the city or county, as the case may be, with power to charge and collect rents sufficient to provide for the payment of any bonds or obligations outstanding against the building, and for the payment of operating expenses, and to apply the income and revenue in conformity with KRS 103.200 to 103.280 and the ordinance referred to in KRS 103.210.

SECTION 5. A NEW SECTION OF KRS CHAPTER 103 IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of KRS 103.250, it may be provided in the proceedings authorizing bonds issued under the terms of KRS 103.200 to 103.285, inclusive, that the issuer, in connection with the issuance of its bonds, execute a mortgage deed of trust in favor of the trustee on the project acquired or constructed through the application of the proceeds of the bonds, providing that in the event of default by the issuer in the payment of interest on or principal of its bonds, or in the event of default of any other covenant contained in such mortgage deed of trust, the trustee, upon behalf of the bondholders, may institute and carry through foreclosure proceedings in which the property secured by the mortgage deed of trust may be sold, the proceeds of such sale to be applied to the payment of the bonds and any interest or premium due thereon, and to the costs of the proceedings. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and to make such bonds salable with the lowest net interest cost to the issuer. If the issuer declares its intent by ordinance or resolution to follow the provisions of this section the statutory mortgage lien provided in KRS 103.250 shall not attach and all other provisions of KRS 103.200 to 103.285, inclusive, which are necessarily inconsistent with the mortgage deed of trust shall be inapplicable to the extent of such necessary inconsistency.

SECTION 6. A NEW SECTION OF KRS CHAPTER 103 IS CREATED TO READ AS FOLLOWS:
If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

The Committee Substitute for **SB 362** is as follows:

**SB 362,** AN ACT relating to projects financed through the issuance of industrial building revenue bonds under KRS 103.200 to 103.285, inclusive.

WHEREAS, certain changes in the economic situation in Kentucky over a period of years, as well as changes in federal statutes, have tended to indicate the desirability of clarifying the language of KRS 103.200 to 103.285, inclusive, and of adding to those sections of the statute certain alternative provisions; and

WHEREAS, the ad hoc committee on industrial financing of the governor's economic development commission, at a meeting held on November 19, 1975, recommended that legislation be prepared and submitted to the general assembly for the purpose of clarifying the statutes and providing alternative procedures; and

WHEREAS, the same or similar recommendations had been made in the special workshop session on industrial development held in Louisville on October 29 and 30, 1975, under the sponsorship of the governor's economic development commission;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 103.200 is amended to read as follows:
As used in KRS 103.200 to 103.285, "building" or "industrial building" means any building, structure, *machinery, equipment* or related improved *site,* area *or edifice* suitable for and intended for use as, *or in connection with the use of,* a factory, mill, shop, processing plant, assembly plant, fabricating plant, *generating plant, or other energy conversion facility,* hospital, facility for the treatment or care of the aged or the infirm, [or] *and any* parking or pollution control area or structure *or industrial transportation facility (including railroad tracks, and docks, wharves and storage and other port facilities directly related thereto, but excluding rolling stock used outside of an industrial building)* deemed necessary to *or useful in* the establishment, retention or expansion thereof, [and the necessary operating machinery and equipment,] or any of these things, to be rented or leased to a domestic or foreign corporation by the city or county by which it is acquired. *A processing plant, within the meaning of this section, shall include any plant established as a manufacturer's distribution center for the packaging or re-distribution of products, any product modification center, and any plant established for the purpose of processing minerals, including the washing, drying, separating, grading, preparing, sorting, and the loading thereof.*

Section 2. KRS 103.210 is amended to read as follows:
In order to promote [the] reconversion to peacetime economy, to relieve [the] conditions of unemployment, to aid in the rehabilitation of returning veterans, to encourage the increase of industry in this state, and to aid in the retention of existing industry through the control of pollution *or through conversion of energy facilities to more readily available fuels,* any city or county may borrow money and issue negotiable bonds for the purpose of defraying the cost of acquiring any industrial building, either by purchase or

construction, but only after an ordinance or resolution has been adopted by the legislative body of the city or the fiscal court of the county, as the case may be, specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance or resolution shall further provide that the industrial building is to be acquired pursuant to the provisions of KRS 103.200 to 103.280. *Each such bond-authorizing ordinance or resolution shall be effective only after publication, in a newspaper authorized to publish official advertisements for the issuer, of the title to said ordinance or resolution, together with a statement signed by the clerk of the issuer setting forth the amount of the issue, the name of the lessee corporation, and the fact that the bonds are to be retired from the proceeds of the lease payments as set forth in KRS 103.200 to 103.285 inclusive. No publication of the complete ordinance or resolution shall be required, but said ordinance or resolution shall be entered upon the records of the issuer and shall be available for public inspection.*

Section 3. KRS 103.220 is amended to read as follows:

(1) The bonds may be issued to bear interest at a rate fixed by the city legislative body or the fiscal court of the county, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding twenty-five (25) years from date thereof and at such place or places as the city legislative body or the fiscal court of the county, as the case may be, determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions fixed by the city legislative body or the fiscal court of the county, as the case may be, before issuing the bonds.

*(3) Any bonds issued and outstanding hereunder may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the issuer, with the consent of the lessee, in such amount as the governing body may deem necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, and to pay the costs of any improvements or additions to the project, and of any premiums, expenses and commissions required to be paid in connection therewith. Any refunding bonds issued under the authority of this section shall be payable from the revenues out of which the bonds to be refunded were payable.*

*(4) Any bonds issued and outstanding hereunder and the coupons appertaining to such bonds shall prior to the maturity or redemption date thereof be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if (a) in case any of such bonds are to be redeemed on any date prior to their maturity, the issuer of such bonds shall have given a trustee appointed for the holders of such bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the ordinance or resolution authorizing their issuance, irrevocable instructions to give notice of redemption of such bonds to the holders thereof by publication or by other method which is satisfactory to such trustee, (b) there shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient, to pay when due the principal and the interest due and to become due on such bonds on and prior to redemption date or maturity date thereof, as the case may be, and (c) in the event that such bonds are not to be redeemed within the next succeeding sixty days, the issuer shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such bonds and coupons that the deposit required by (b) above has been made with the trustee, that such bonds and coupons are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such bonds. Any deposits made under (b) hereof, to the extent not secured by the Federal Deposit Insurance Corporation, shall be secured by the pledging of direct obligations of or obligations guaranteed by the United States of America.*

*(5) It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the legislative body of the issuer authorizing such bonds so declares in the proceedings authorizing same, it being hereby declared and determined that the ability of any domestic or foreign corporation renting or leasing any facilities financed by the bonds to cause refunding bonds to be issued will be an inducement for such domestic or foreign corporation to establish in Kentucky the facilities provided for in KRS 103.200 and will tend to further the purposes of KRS 103.200 through 103.280.*

*(6) No bonds shall be issued hereunder in violation of federal statutes or regulations prohibiting arbitrage profits.*

Section 4. KRS 103.250 is amended to read as follows:

(1) A statutory mortgage lien shall exist upon the industrial building so acquired in favor of the holders of the bonds and coupons. The industrial building so acquired shall remain subject to the statutory mortgage lien until the payment in full of the principal of the bonds, and all interest due thereon. *Said statutory mortgage lien shall be effective from and after the recording of a lease of the property, which has been*

*acquired by the issuer of the bonds, to the lessee corporation, and said lien shall attach to all of the property described in said lease, including machinery, equipment and appurtenances described therein in either general or specific terms. No filing or recording or notice of said lien on property held or thereafter acquired by the issuer from the proceeds of the bonds shall be required under the uniform commercial code.*

(2) If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the industrial building on behalf of the city or county, as the case may be, with power to charge and collect rents sufficient to provide for the payment of any bonds or obligations outstanding against the building, and for the payment of operating expenses, and to apply the income and revenue in conformity with KRS 103.200 to 103.280 and the ordinance referred to in KRS 103.210.

SECTION 5. A NEW SECTION OF KRS CHAPTER 103 IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of KRS 103.250, it may be provided in the proceedings authorizing bonds issued under the terms of KRS 103.200 to 103.285, inclusive, that the issuer, in connection with the issuance of its bonds, execute a mortgage deed of trust in favor of the trustee on the project acquired or constructed through the application of the proceeds of the bonds, providing that in the event of default by the issuer in the payment of interest on or principal of its bonds, or in the event of default of any other covenant contained in such mortgage deed of trust, the trustee, upon behalf of the bondholders, may institute and carry through foreclosure proceedings in which the property secured by the mortgage deed of trust may be sold, the proceeds of such sale to be applied to the payment of the bonds and any interest or premium due thereon, and to the costs of the proceedings. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and to make such bonds salable with the lowest net interest cost to the issuer. If the issuer declares its intent by ordinance or resolution to follow the provisions of this section the statutory mortgage lien provided in KRS 103.250 shall not attach and all other provisions of KRS 103.200 to 103.285, inclusive, which are necessarily inconsistent with the mortgage deed of trust shall be inapplicable to the extent of such necessary inconsistency.

Section 6. KRS 154.020 is amended to read as follows:

(1) There shall be an industrial development finance authority in the state government which shall be an agency independent of the executive branch, shall not be attached to any administrative department, but which shall operate in close cooperation with the Kentucky economic development commission.

(2) The authority shall consist of the chairman of the economic development commission, the commissioner of banking and securities, the commissioner of commerce, the *secretary of the development cabinet,* [commissioner of economic security,] and the commissioner of finance, three (3) members appointed by the governor from the economic development commission, and three (3) additional members appointed by the governor, one (1) each to be appointed from lists of nominees submitted by the Kentucky state bankers association and the Kentucky chamber of commerce, and a third to be a Kentucky member in good standing of the national association of securities dealers. The chairman shall be the chairman of the economic development commission.

(3) Two (2) members initially appointed by the governor shall be appointed for terms of one (1) year and two (2) members for two (2), one (1) each for three (3) and four (4) years, respectively, from the date of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the governor at the time of his appointment. Their successors shall each be appointed for a term of four (4) years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member of the authority shall be eligible for reappointment.

(4) Members of the authority shall be entitled to no compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

Section 7. KRS 154.110 is amended to read as follows:

*(1)* When it has been determined by the authority that the establishment of a particular industrial subdivision project of such local development agency will accomplish the public purposes of this chapter, the authority may contract to loan *from the industrial development finance fund* such local development agency an amount not in excess of fifty per cent (50%) of the cost or the estimated cost of such industrial subdivision project to be established.

*(2) When it has been determined by the authority that the establishment of a particular industrial subdivision project of such local development agency will accomplish the public purposes of this chapter, and serve two or more counties but that the project is not feasible without a low interest loan or grant, the authority may contract to loan with low interest or grant from the multi-county industrial site development fund to such local development agency an amount in total not in excess of fifty percent (50%) of the cost or*

*the estimated cost of such industrial subdivision project to be established.*

*(3) When it has been determined by the authority that the establishment of a particular industrial subdivision project by a city, county, local industrial development authority as established by KRS 152.810 to 152.930, or a riverport authority as established by KRS 65.510 to 65.650 will accomplish the public purposes of this chapter, and serve two or more counties, the authority may contract a grant from the multi-county industrial site development fund to the city, county, local development authority, or riverport authority in an amount not in excess of fifty percent (50%) of the cost or estimated cost.*

Section 8. KRS 154.150 is amended to read as follows:

(1) There shall be a special revolving trust and agency fund in the treasury of the commonwealth to be known as the industrial development finance fund to which shall be accredited all funds appropriated by the general assembly to the authority and all funds obtained from other sources, and all other deposits and repayments, both principal and interest, involved in administration of this chapter.

*(2) There shall be a special revolving trust and agency fund in the treasury of the commonwealth to be known as the multi-county industrial site development fund to which shall be accredited all funds appropriated by the general assembly to the multi-county industrial site development program and all funds obtained from other sources, and all deposits and repayments, both principal and interest, involved in administration of such fund.*

*(3)* [(2)] All loans to local development agencies and all costs of administration of this chapter shall be paid out of this fund. Payments shall be made in the same manner as other state expenditures, except that they shall be subject to the approval of the executive department for finance and administration only as to availability of funds.

*(4)* [(3)] At any time that the authority determines that moneys in the fund are in excess of the amount needed by the authority to carry out the purposes of this chapter, the authority shall take such action as shall be required to release such excess from the fund and transfer the same to the appropriate fund of the state treasury.

**HB 850,** AN ACT relating to business development corporations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 155.080 is amended to read as follows:

(1) Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

(2) Except for short term loans which members may make at their discretion, each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(a) All loan limits shall be established at the thousand-dollar ($1,000) amount nearest to the amount computed in accordance with the provisions of this section.

(b) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed *twenty (20)* [ten (10)] times the amount then paid in on the outstanding capital stock of the corporation.

(c) The total amount outstanding on loan to the corporation made by any member at any one (1) time when added to the amount of the investment in the capital stock of the corporation then held by such member shall not exceed:

[1. Twenty per cent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned;]

[2.] The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the commissioner of insurance; two per cent (2%) of the capital and surplus of commercial banks and trust companies; one per cent (1%) of the total outstanding loans made by a building and loan association: Provided, however, That any business development corporation created pursuant to this section, 155.010 and 155.090 may in its articles of incorporation, or by appropriate amendment thereto, provide that the loan limit of a building and loan association member shall be only one-half of one per cent (.5%) of the total outstanding loans made by such building and loan association member; one per cent (1%) of the capital and unassigned surplus of stock insurance companies, except fire insurance writing companies; one per cent (1%) of the unassigned surplus of mutual insurance companies, except fire insurance writing companies; one-tenth of one per cent (.1%) of the assets of fire insurance writing companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

Section 2. KRS 155.180 is amended to read as follows:
The period of duration of a corporation organized under this chapter shall be *perpetual* [fifty (50) years].

**SB 264,** AN ACT relating to race meetings.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 230.427 is amended to read as follows:

(1) An association formed for the purpose of racing and breeding or improving the breed of quarter horse or Appaloosa and conducting contests of speed may hold one or more quarter horse or Appaloosa race meetings [between April 1 and December 1 of] each year.

(2) At such meetings the association or the owners of the horses engaged in the quarter horse or Appaloosa races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a horse contesting in a quarter horse or Appaloosa race shall have any pecuniary interest in a prize or stake contested for in that race, or be entitled to, or receive any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

**SB 297,** AN ACT relating to plumbers and plumbing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 318.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means Department for *natural resources and environmental protection* [Human Resources];

(2) "Journeyman plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation, alteration, maintenance, repair, remodeling or removal, and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(3) "Master plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumbers' apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises or otherwise represents that he is permitted or qualified to engage in the design, planning, superintending, contracting for or responsible charge of plumbing;

(4) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire-fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated affluent.

(5) "Public buildings" means any building intended for public use or built with public funds and includes but is not limited to the following: schools, industrial establishments, housing projects, restaurants, food-handling establishments, private clubs, theaters including drive-ins, trailer coach parks, camping areas, hospitals, nursing homes, hotels, motels, tourist courts, rooming houses, boarding houses, and other establishments furnishing public sleeping accommodations;

(6) "Maintenance man" means a person employed to maintain and keep plumbing in good repair;

(7) "Apprentice" means a person in the process of learning the plumbing trade who assists and is under the personal supervision of a licensed master or licensed journeyman plumber;

(8) "Farmstead" means a farm dwelling together with other farm buildings and structures incident to the operation and maintenance of the farm located outside the corporate limits of a municipality and not connected to a public water supply.

*(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;*

*(10) "Secretary" means the secretary of the department for natural resources and environmental protection;*

*(11) "Code" means the Kentucky state plumbing code.*

Section 2. KRS 318.050 is amended to read as follows:

*Each application for a license as a master or journeyman plumber shall be accompanied by a reasonable fee as established by the department.* [The following application fees shall be paid to the department; they shall accompany the application for a license and shall not be refunded:

(1) By an applicant for an examination for a license as a master plumber, twenty-five dollars ($25.00).

(2) By an applicant for an examination for a license as a journeyman plumber, ten dollars ($10.00).]

Section 3. KRS 318.074 is amended to read as follows:

The committee shall elect from its members one (1) to serve as chairman, one (1) as vice-chairman, and the *secretary or his designee* [commissioner of the state department of health] shall serve as ex-officio member of the *committee* [board] (without a vote) and secretary. The *committee* [board] shall meet at least quarterly and upon special call by the chairman *or the secretary.*

Section 4. KRS 318.077 is amended to read as follows:

The committee shall hold hearings, upon adequate notice to affected parties *specifying the matters to be considered* [,] before the *submission to the secretary of its suggested amendments to the code; Provided, however, that nothing in this section shall be construed to prohibit the amendment of the code or other regulation by the department without the prior review and concurrence of committee* [enactment of any rule, regulation or amendment to the code, specifying the matters to be considered thereat]. Any person aggrieved by any [such] rule, regulation or amendment approved by the *department* [state board of health], within 30 days after such action has become final, may appeal therefrom to the circuit court. For the purposes of this section, "persons aggrieved" shall include any person directly or indirectly injured or threatened with injury on account of any such regulation, rule or amendment, whether or not such person was a party to the proceedings out of which the order, rule, regulation or amendment arose.

Section 5. KRS 318.130 is amended to read as follows:

(1) In order to administer this chapter, the *department* [state plumbing code committee] shall promulgate and thereafter from time to time may amend a code to be known as the Kentucky state plumbing code, regulating the construction, installation and alteration of plumbing and plumbing fixtures and appliances, house sewers or private sewage disposal systems and private water supplies, methods and materials to be used therein within this state, using as a minimum standard the basic principles of the national plumbing code coordinating committee, as evidenced by that committee's final report of 1951 with variations thereof or additions thereto as the *department* [board] considers are warranted by local, climatic or other conditions. The code may also designate the number of plumbing fixtures for public buildings. The *department* [state plumbing code committee] may adopt any other reasonable rule or regulation to administer this chapter. No rules or regulations so approved by the committee shall become effective except upon adoption by the *department, in satisfaction of the requirements of KRS Chapter 13* [state board of health].

(2) The *department* [board] may continue in effect any plumbing code duly promulgated by *it* [them] on file with the Legislative Research Commission in Frankfort, Kentucky, on June 16, 1966.

Section 6. KRS 318.190 is amended to read as follows:

*(1)* The Circuit Court where the violation occurs shall have jurisdiction and venue in all civil, criminal, and injunctive actions instituted by the department [for human resources] for the enforcement of the provisions of KRS chapter 318 and the state plumbing code and the orders issued thereunder and the rules and regulations of the secretary [for human resources].

*(2) The Franklin Circuit Court shall hold concurrent jurisdiction and venue in all civil, criminal and injunctive actions instituted by the department, or upon the secretary's request by the attorney general, for the enforcement of the provisions of KRS Chapter 318, the state plumbing code and the orders issued thereunder and other rules and regulations of the department.*

**SB 307,** AN ACT relating to motels.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 219 IS CREATED TO READ AS FOLLOWS:

All motels shall provide each door allowing access to a bedroom with a safety chain, lock, bolt or latch in addition to the regular door latch.

**SB 346,** AN ACT relating to boards and commissions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Appointments of citizen at large members of boards and commissions covered by this Act shall be made when a vacancy occurs upon the board or commission. The Governor may, in cases where he deems necessary, delay making a citizen at large appointment until a second vacancy occurs on the board or commission or a second vacancy occurs in a particular category of membership, but in no case shall he delay beyond a second vacancy the making of such appointments.

Section 2. KRS 216A.040 is amended to read as follows:

There shall be a Kentucky Board of Licensure for Nursing Home Administrators located within the Executive Department for Finance and Administration for administrative and budgetary purposes. The board shall be composed of nine members. The Secretary for Human Resources shall be an ex officio member of the board. The other members of the board shall be appointed by the governor. One (1) member shall be a practicing hospital administrator, to be appointed from a list of two (2) names submitted by the Kentucky hospital association. One (1) member shall be a practicing medical physician, to be appointed from a list of two (2) names submitted by the Kentucky state medical association. One (1) member shall be an educator in the field of allied health services. One (1) member shall be a citizen at large *who is not associated with or financially interested in the practice or business regulated.* The other four (4) members shall be practicing nursing home administrators appointed from a list of two (2) names for each vacancy submitted by the Kentucky nursing home association and duly licensed under this chapter, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure as required in this chapter.

Section 3. KRS 311.410 is amended to read as follows:

(1) There is hereby created in the government of the Commonwealth a state board of podiatry which shall consist of five (5) *members* [practicing podiatrists], each appointed by the governor. *Four (4) members* [All appointments, including appointments to fill vacancies,] shall be *appointed* [made] from lists of three (3) names for each position submitted by the Kentucky Podiatry Association. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* Any vacancy shall be filled for the unexpired term by the governor, as provided in the original appointment.

(2) A person to be eligible for appointment as a *podiatrist* member of the board shall be at least twenty-one (21) years of age, of good moral character, a resident of this state, and a licensed practicing podiatrist in this state for at least five (5) consecutive years next preceding the date of his appointment. No member of the board shall be a stockholder, officer or member of the faculty or board of trustees of any school, college or institution of podiatry or chiropody.

(3) The terms of office [of the five (5) members first appointed shall be one (1), two (2), three (3), four (4) and five (5) years, respectively, and the respective terms of the first members shall be designated by the governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term] of each *member* [successor] shall be *four (4)* [five (5)] years, or until his successor shall be appointed and qualified.

(4) The board shall elect one (1) of its members as president. The secretary may, subject to approval by the board, employ and fix the compensation of all personnel required for the administration of KRS 311.390 to 311.510. The board may make all rules and regulations, not inconsistent with KRS 311.390 to KRS 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510.

(5) The board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the board may designate. A majority of the members shall constitute a quorum.

(6) The board may sue and be sued in its own name.

(7) Members of the board shall be immune from suit in any civil or criminal action which is based upon any official act or acts performed by them in good faith as members of the board.

Section 4. KRS 311.530 is amended to read as follows:

There is hereby created in state government an independent board to be known as the State Board of Medical Licensure which shall exercise all medical and osteopathic licensure functions heretofore exercised by the secretary for human resources. The offices of the board shall be maintained at such place as is designated by the board. The board shall consist of seven voting members appointed by the Governor, and the deans of the University of Kentucky and University of Louisville Medical Schools as ex-officio, non-voting members. One member shall be a licensed osteopathic physician and shall be appointed from a list of three names submitted by the Kentucky Osteopathic Association. *Five (5)* [Six] members shall be licensed medical physicians and shall be appointed from a list of three names submitted for each position by the Kentucky Medical Association. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.*

Section 5. KRS 312.025 is amended to read as follows:

The Kentucky state board of chiropractic examiners shall consist of five (5) members, appointed by the governor. [,] *Four (4) members* [who] shall be doctors of chiropractic of integrity and ability who at the time of their appointment are in active practice of chiropractic and who have been actual residents of Kentucky for at least three (3) years next preceding their appointment. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* No person shall be appointed *as a chiropractic member* who is not a graduate of a recognized college teaching anatomy, physiology, bacteriology, pathology, principles and practice, chemistry, symptomatology, neurology, hygiene and sanitation, philosophy and chiropractic analysis.

Section 6. KRS 313.200 is amended to read as follows:

(1) When the appointments have been made as provided in this section, the Kentucky State Board of Dental Examiners shall consist of seven *members* [practicing dentists], each appointed by the Governor. *Six (6) members shall be appointed* from a list of three names recommended by the resident licensed dentists of Kentucky at an annual election at a time and place selected by the Kentucky State Board of Dental Examiners. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* [Four members shall be appointed in 1964; two for four years, one for one year, one for three years, and two every fourth year thereafter. Two members shall be appointed in 1965 and every fourth year thereafter; one member in 1966 and every fourth year thereafter; and two members in 1967 and every fourth year thereafter.]

(2) Each *dentist* member shall have been an actual resident and licensed practicing dentist of this state for not less than five years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any dental college or dental department of any institution of learning or dental supply business.

(3) Each member of the board shall hold office for four years, [except for 1964 when one term for one year and one term for three years are included,] and until his successor is appointed and qualifies, except that no member shall serve more than two consecutive terms. [The terms of the members of the present board appointed under the former statute for a term beginning in 1959 shall be deemed to have expired in 1963, but they shall be deemed to have continued in office pending the appointment and qualification of their successors, who shall be appointed for terms of four years calculated as if they had begun in 1963, the appointment to be made from the list of names last submitted.]

(4) Any vacancy shall be filled for the unexpired term by the Governor *in accordance with the provisions of* [from the list mentioned in] subsection (1) of this section.

(5) Each member of the board shall receive any necessary expenses incurred in attending its meetings. Each member except the secretary-treasurer shall receive as compensation fifty dollars for each day actually engaged in the duties of his office. The secretary-treasurer shall receive an annual compensation to be established by the board at its annual session.

Section 7. KRS 314.121 is amended to read as follows:

(1) The governor shall appoint a board of nursing education and nurse registration consisting of seven (7) members [: Provided, however, That the present members of the board shall continue to serve until their respective terms expire or until their successors have been appointed and qualified]. *Six (6) members shall be registered nurses licensed to practice in the Commonwealth. One (1) member shall be a citizen at large, who is not associated with or financially interested in the practice or business regulated.* Each appointment shall be for a term of four (4) years. At least three (3) months before the expiration of the term of any *nurse* member of the board, the Kentucky Nurses Association shall submit to the governor a list of members qualified for

appointment, in number not less than twice the number of appointments to be made, from which list the governor shall make each appointment or appointments as necessary.

(2) A vacancy on the board shall be filled by the governor *as provided for* [from the list of names submitted] under subsection (1).

(3) The governor may remove any member from the board for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

(4) Each *nurse* member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an accredited school of nursing, a registered nurse in this state and hold at least a bachelor's degree in nursing and in addition, shall have had at least five (5) years of experience, three (3) of which shall immediately precede such appointment in administration or teaching in schools of nursing or administration or supervision in nursing service. At least one (1) member of the board shall be a registered nurse faculty member of an approved school of practical nursing.

(5) The governor shall appoint an advisory council to the board consisting of seven (7) members to be selected one (1) each from lists submitted by Kentucky Medical Association, Kentucky Hospital Association, Kentucky Nursing Home Association, Kentucky Nurses Association, Kentucky State Association of Licensed Practical Nurses, Kentucky Dental Association and Kentucky Pharmaceutical Association. The council shall function in an advisory capacity only as a constructive force in establishing and maintaining standards of nursing and licensure regulations in the interest of public protection, and, in this connection shall be provided with copies of any proposed regulations of the board at least thirty (30) days prior to their filing with the Legislative Research Commission.

Section 8. KRS 315.150 is amended to read as follows:

(1) The board shall consist of five (5) members *appointed by the Governor. Four (4) members shall be pharmacists registered in this state. One (1) member shall be a citizen at large, who is not associated with or financially interested in the practice or business regulated.*

(2) Beginning with the year 1948, at its regular annual meeting the association shall select and submit to the governor one (1) list of five (5) persons and one (1) list of three (3) persons, each of whom has had at least five (5) years' experience in compounding and dispensing practitioners' prescriptions in this state. The governor shall, before October 1 of each year, appoint one (1) person from each list so submitted, to take office on January 1 following. No two (2) members of the board shall be residents of the same county.

(3) The term of each board member appointed from the list of five (5) persons shall be four (4) years, and the term of each person appointed from the list of three (3) persons shall be one (1) year. *The citizen member shall serve a term of four (4) years. Each member* [, and each] shall serve until his successor is appointed and qualified, unless removed for cause. No member shall be so reappointed that he will serve for more than five (5) consecutive years. The *pharmacist* member appointed each year for a four-year term shall succeed the *pharmacist* member whose one-year term is expiring that year, and the *pharmacist* member appointed each year for a one-year term shall succeed the *pharmacist* member whose four-year term is expiring that year.

(4) The governor shall fill any vacancy *of a pharmacist member* from the names last submitted.

(5) Within ten (10) days after he receives his appointment each member shall take and subscribe to an oath before a competent officer, to perform the duties of his office faithfully and impartially. The oath shall be inscribed upon his commission.

(6) Three (3) members of the board shall constitute a quorum.

Section 9. KRS 316.170 is amended to read as follows:

The state board of embalmers and funeral directors of the state of Kentucky shall consist of five (5) members who shall be residents of the state. *Four (4) members* [and] shall be licensed embalmers and licensed funeral directors of this state with an established funeral home in Kentucky, with a minimum of ten (10) years' consecutive experience in the practice of embalming and funeral directing in this state immediately preceding their appointment. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.*

Section 10. KRS 316.180 is amended to read as follows:

(1) The governor shall make all appointments to the board. *The four (4) funeral director members shall be appointed* from a list of names furnished him each year by the members of the Funeral Directors Association of Kentucky in their annual June convention, by vote of the majority of members present. Three (3) names shall be selected each year who meet the requirements of KRS 316.170. The secretary of the state association will send the names selected to the governor for appointment. The governor shall appoint one (1) member of the board each year and every fourth year shall appoint two (2) members, selecting each *funeral director member* [person] appointed from the list of names submitted by the last session of the Funeral Directors Association of Kentucky in its last June convention. The term of each member *shall* [will] be four (4) years.

(2) Vacancies occurring on the board shall be filled by the governor for the unexpired terms.
(3) The governor shall furnish a certificate of appointment to each person appointed to the board.

Section 11. KRS 317.430 is amended to read as follows:

(1) There is hereby created an independent agency of the state government to be known as the Kentucky board of barbering, which shall have complete supervision over the administration of the provisions of this chapter relating to barbers, barbering, barber shops, barber schools, the teaching of barbering and barber apprenticeship.

(2) The Kentucky board of barbering hereinafter referred to as the barber board or board shall be composed of *five (5)* [three (3)] members [who are barbers licensed to practice barbering in this state], appointed by the governor. *At least one* [One] (1) member shall be a master barber *licensed to practice barbering in this state* who is a member of a nationally recognized professional organization of master barbers and who is not otherwise a member of a union of barbers, a second and different member shall be a barber *licensed to practice barbering in this state* who is a member of an organized labor union of barbers, a third and different member shall be a barber who is not a member of a union or labor organization of barbers *and a fourth and different member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.

(3) *Upon the* [On July 1, 1960, the governor shall appoint three (3) persons to the barber board, one (1) of whom shall serve a term of one (1) year, another a term of two (2) years, and another a term of three (3) years, the term of each appointee to be determined by lot. Thereafter, upon] expiration of the term of any member, the appointment shall be for a term of two (2) years.

(4) The governor shall not remove any member of the barber board except for cause.

(5) The barber board shall elect from its members one (1) to serve as chairman, one (1) to serve as vice-chairman, and a third to serve as secretary.

(6) *Three (3)* [Two (2)] members shall constitute a quorum for the transaction of business.

(7) In addition to the other qualifications specified in this section, *barber* members of the barber board shall be at least twenty-three (23) years of age, citizens of the United States, residents of Kentucky and must have engaged in the practice of barbering in this state for a period of at least five (5) years.

(8) No member of the barber board shall be financially interested in, or have any financial connection with any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering, cosmetology or manicuring for monetary considerations.

(9) Each member of the barber board shall receive a compensation of $35.00 per day for each day of attendance at meeting of the board, and shall be reimbursed for necessary traveling expenses.

(10) The board shall hold such meetings at such places in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 12. KRS 317A.030 is amended to read as follows:

(1) There is created an independent agency of the state government to be known as the Kentucky Board of Hairdressers and Cosmetologists, hereinafter referred to as the "cosmetologist board", which shall have complete supervision over the administration of the provisions of this chapter relating to cosmetology, cosmetologists, schools of cosmetology, students enrolled in cosmetology, apprentice cosmetologists, manicurists, teachers of cosmetology, and cosmetology salons;

(2) The cosmetology board shall be composed of five (5) members *appointed by the Governor:*

(a) *Four (4) of the members* [All of whom] shall have been cosmetologists five (5) years prior to their appointment [,] *and* residents of Kentucky;

(b) Two (2) of whom shall be cosmetology salon owners;

(c) *One* [Two (2) of whom shall not own any interest in a cosmetology salon and one] (1) of *whom* [the two (2)] shall be a cosmetology teacher in public education *and shall not own any interest in a cosmetology salon;*

(d) One (1) of whom shall be a member of a nationally recognized association of hairdressers and cosmetologists; [and]

*(e) One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated; and*

*(f)* [(e)] None of whom nor the administrator shall be financially interested in, or have any financial connection with any cosmetology school, wholesale cosmetic supply or equipment business, nor shall any member of the board teach cosmetology or manicuring for monetary consideration. At all times in the filling of vacancies of membership on the board this balance of representation shall be maintained.

(3) *Upon the* [On July 1, 1974, the Governor shall appoint two (2) persons to the board for a term of one (1) year and three (3) persons for a term of two (2) years. On July 1, 1975, the Governor shall appoint two

members for a term of two (2) years. Thereafter, upon] expiration of a term of any member, the appointment shall be for a term of two (2) years;

(4) The Governor shall not remove any member of the board except for cause;

(5) The board shall elect from its members one (1) to serve as chairman, one (1) as vice-chairman, and a third to serve as secretary;

(6) Three (3) members shall constitute a quorum for the transaction of any business of the board;

(7) Each member of the board shall receive a compensation of fifty dollars ($50) per day for each day of attendance at meetings of the board, and shall be reimbursed for necessary traveling expenses;

(8) The board shall hold such meetings at such place in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 13. KRS 319.020 is amended to read as follows:

*The State Board of Examiners of Psychologists shall consist of five (5) members appointed by the Governor. Four (4) members shall be licensed psychologists. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The* [On or before July 1, 1948, the] governor shall appoint from a list of ten (10) submitted to him by the Kentucky Psychological Association *four (4)* [five (5)] psychologists holding the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution and eligible for licensing under the provisions of this chapter to be members of the board of examiners of psychologists. *The* [, one (1) to hold office for one (1) year, one (1) for two (2) years, one (1) for three (3) years, and two (2) for four (4) years, from said July 1. Annually thereafter as the terms of the members expire, the] governor shall appoint *members* [successors,] for terms of four (4) years and until their successors are appointed and qualified. *Psychologist members* [ Successors] shall be appointed from a group of three (3) nominees for each position to be filled, the nominees to be selected by the psychologists licensed under KRS 319.005 to 319.131 from a list of eligible candidates prepared by the Kentucky Psychological Association, and each nominee shall be a psychologist licensed according to the provisions of this chapter. Each *psychologist* member, [including the members first appointed,] shall be an elector of this state and shall have engaged in the practice of teaching of psychology for at least three (3) years in this state or elsewhere in the United States. Annually the board shall elect one (1) of its members as chairman. The governor shall fill any vacancy occurring in the board in the manner and at the time prescribed *above* [for the appointment of successors]. Upon recommendation by a majority of the board members and after notice and a hearing by them, the governor shall remove any member for incompetence, neglect of duty or malfeasance in office. Three (3) members of the board shall be a quorum. Each member shall receive his necessary expenses incurred in the performance of the duties required by this chapter. The board is responsible for preparation or selection and administration of written examinations on general psychological knowledge and on the appropriate psychological specialty or specialties of the applicant as required by this chapter and for recommending licensure or certification under the provisions of this chapter. A schedule of fees for licensure, certificates, and temporary permits shall be established and amended, as necessary, by the board of examiners. The board is authorized to collect said fees. The board is empowered to question violation of this law and to bring suit against such violators. The board may employ necessary personnel for the performance of its functions, determine the classifications and functions of such personnel, and fix the compensation thereof, within the limits of funds available to the board.

Section 14. KRS 320.230 is amended to read as follows:

(1) The Kentucky board of optometric examiners shall consist of five (5) *members appointed by the Governor. Four (4) members shall be* practicing optometrists well grounded in the practice of optometry appointed by the governor from a list containing three (3) names for each appointment recommended by the Kentucky Optometric Association. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* The members shall serve for a term of four (4) years and until their successors are appointed and have qualified. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the carrying out of their duties under this chapter.

(2) Each *optometrist* member shall be well grounded in the theory and practice of the profession of optometry and shall have been an actual resident and licensed practicing optometrist of this state for not less than five (5) years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any optometric school, college or institution of learning or optometric supply business.

(3) Any vacancy occurring on the board as the result of a member not completing the term for which he was appointed shall be filled, for the unexpired term, in the same manner as is provided in subsection (1) of this section for the appointment of members.

(4) A majority of the members of the board shall constitute a quorum for the transaction of business.

Section 15. KRS 321.230 is amended to read as follows:

There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners." Said board shall consist of the commissioner, who shall be chairman, and four (4) [appointed] members *appointed by the Governor. Three (3) members* [A person to be eligible for appointment as a member of said board] shall be [a] citizens of the commonwealth of Kentucky who shall have been lawfully engaged in the practice of veterinary medicine in this commonwealth for at least five (5) years next preceding the date of his appointment. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* No person shall be eligible to be or remain an appointed member of said board who during any part of the aforesaid five-year period next preceding his appointment, or at the time of his appointment, or during his term is or has been a stockholder, member of the faculty or board of trustees of any college of veterinary medicine, surgery or dentistry that awards a degree in any of these subjects, or who is financially interested in any such college. *The members shall be appointed for a term of four (4) years.* [The term of office of the four (4) appointed members first appointed shall be one (1), two (2), three (3) and four (4) years, respectively, from March 1, 1948. Said members shall be appointed by the governor, who shall designate the member to serve for the term of one (1) year, the one (1) who shall serve for the term of two (2) years, the one (1) who shall serve for the term of three (3) years and the one (1) who shall serve for the term of four (4) years. Upon the expiration of the respective terms of the members first appointed the term of each successor shall be four (4) years.] Any vacancy in the membership of said board shall be filled for the unexpired term by appointment by the governor. *Annually* [On or before March 1, 1948, and annually thereafter,] the governor shall appoint one (1) member of said board, qualified as aforesaid, for the four-year term. Each member of the board shall receive twenty-five dollars ($25.00) per day for each day of service actually given in carrying out his duties under this chapter, in addition to his necessary traveling, hotel and contingent expenses incurred in attending the meetings of the board and in the performance of his duties, to be paid as the compensation and expenses of other officers are paid, except that they shall be paid out of the funds received under this chapter. Each member, before beginning his term of office, shall file with the secretary of state his written oath for the faithful discharge of his official duties.

Section 16. KRS 322.230 is amended to read as follows:

(1) The State Board of Registration for Professional Engineers and Land Surveyors shall consist of seven (7) [appointed] members *appointed by the Governor* and two (2) ex-officio members each with full voting rights. The ex-officio members shall be the Dean of the College of Engineering of the University of Kentucky and the Dean of the Speed Scientific School of the University of Louisville.

(2) The term of each member of the board shall be four (4) years. Each member shall hold office until the expiration of the term for which he is appointed, or until a successor has been appointed and has qualified.

(3) Every member shall, before beginning his term of office, file with the Secretary of State his written oath for the faithful discharge of his official duties.

(4) No member of the board shall serve as an employe of the board.

Section 17. KRS 322.240 is amended to read as follows:

Each appointed member of the board shall be a citizen of the United States and shall have been a resident of this state for five (5) years. *Six (6) members of the board* [He] shall have been engaged in the practice of the profession of engineering for at least twelve (12) years, and shall have been in responsible charge of important engineering work or responsible charge of engineering teaching for at least five (5) years. *One (1) member of the board shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* At no time shall more than two (2) members whose qualifications are based on responsible charge of engineering teaching or more than two (2) members from the faculties of the engineering colleges of the state be appointed to the board. *The engineer* [Appointed] members of the board shall have been licensed engineers in Kentucky for at least four (4) years prior to the date of their appointments. In addition to the foregoing qualifications, two (2) members of the board shall be licensed land surveyors.

Section 18. KRS 323.170 is amended to read as follows:

*Three (3)* [All] members of the board appointed by the governor shall be architects registered in the commonwealth of Kentucky and shall have been in the active practice of architecture for at least ten (10) years immediately preceding their appointment, and shall have been residents of this commonwealth for at least five (5) years immediately preceding their appointment. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.*

Section 19. KRS 323A.150 is amended to read as follows:

The board shall consist of *five (5)* [three (3)] members, to be appointed by the Governor.

Section 20. KRS 323A.170 is amended to read as follows:

*At least three (3)* [All] members of the board appointed by the Governor shall be landscape architects registered in the Commonwealth of Kentucky, and shall have been residents of this Commonwealth for at least five (5) years immediately preceding their appointment. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.*

Section 21. KRS 325.230 is amended to read as follows:

(1) There is hereby created a state board of accountancy in and for the state of Kentucky. The board shall consist of five (5) members, appointed by the governor. *Four (4) of the members of the board shall be certified public accountants. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* Whenever *a certified public accountant* [an] appointment is to be made the Kentucky society of certified public accountants shall submit to the governor the names of three (3) persons for each vacancy to be filled. All *certified public accountants* [persons] recommended must be qualified for membership on the board, and the governor shall appoint one (1) of the three (3). *Certified public accountant members* [Members] of the board shall be citizens of the United States and residents of this state who hold certified public accountant certificates issued under the laws of this state and who are in active practice as certified public accountants. *Appointments* [The members of the board first to be appointed shall hold office, one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years from the effective date of KRS 325.220 to 325.440, the term of each to be designated by the governor. On July 1, 1968, two (2) additional members shall be appointed, one (1) for a one (1) year term and one (1) for a two (2) year term. Succeeding appointments] to the board shall be for a term of three (3) years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office a member shall continue to serve until his successor shall have been appointed and shall have qualified. The governor shall remove from the board any member whose permit to practice is not renewed or which has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

(2) Each member of the board shall be paid thirty-five dollars ($35.00) for each day spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses therein incurred.

Section 22. KRS 326.020 is amended to read as follows:

(1) There is hereby created a board of ophthalmic dispensers to be known as the "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to be appointed by the governor, one (1) member of which shall be a licensed medical physician or osteopath experienced in the treatment and examination of eyes and one (1) member of which shall be a licensed optometrist. *Two (2)* [The other three (3)] members shall be licensed ophthalmic dispensers [except that on the original board the three (3) ophthalmic dispensers need not be licensed ophthalmic dispensers, but must be persons experienced in ophthalmic dispensing and must be licensed as ophthalmic dispensers by the board to hold their positions]. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* They shall not pass upon their own qualifications. The board shall elect one (1) of its members chairman and one (1) member secretary-treasurer. These officers shall serve at the pleasure of the board.

(2) *Members* [Two (2) members of the board shall serve for two (2) years from the date of their appointment and qualification and the other three (3) members] shall serve for a period of four (4) years from the date of their appointment and qualification. At the expiration of the term of office of any member, the governor shall appoint a successor for a term of four (4) years. The board shall serve without compensation.

(3) The board shall have the right to make reasonable rules and regulations to carry out the purposes and provisions of this chapter. It may provide for the licensing of apprentice ophthalmic dispensers.

Section 23. KRS 327.030 is amended to read as follows:

There is hereby established a state board of physical therapy which shall consist of *five (5)* [three (3)] members who shall be appointed by the governor. *At least three (3) of the members shall be appointed* from a list of five (5) persons submitted by the Kentucky Chapter of the American Physical Therapy Association, all of whom shall be residents of Kentucky and shall have engaged in the practice of physical therapy within this state for at least two (2) years. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. Members shall be appointed* [Members of the first board shall be appointed for terms of one (1), two (2), and three (3) years, respectively. Subsequent appointments shall be] for a term of three (3) years and until their successors are appointed and qualify. Vacancies *of physical therapist members* shall be filled by the governor in like manner from a list of five (5) submitted by the Kentucky Chapter of the American Physical Therapy Association. The board shall annually elect a chairman and a secretary.

Section 24. KRS 328.030 is amended to read as follows:

(1) There is created a "Kentucky Board of Examiners in Watchmaking" whose duties it shall be to carry out the provisions of this chapter and to promote the education and training of watchmakers. The board shall consist of five (5) members, appointed by the governor. *Four (4) members of the board* [All persons so appointed] shall have been residents of this state and actually engaged in watchmaking for the last five (5) years immediately preceding the time of their appointment. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* Members of the board shall be appointed for terms of four (4) years and until their successors shall be appointed and qualified. The holders of such terms shall serve at the pleasure of the governor.

(2) The board shall choose annually one (1) of its members as president and one (1) as secretary. The board shall meet at least once every six (6) months at the state capitol, and in addition thereto, whenever and wherever the officers shall call a meeting. A majority of the members of the board shall constitute a quorum. The board may retain legal counsel if deemed necessary. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be compensated as follows: Each member of the board shall be paid a per diem of fifteen dollars ($15.00) for attendance at meetings not to exceed thirty (30) days and shall be reimbursed for necessary expenses incurred in the performance of his duties. The secretary may be paid an annual salary to be determined by the board.

(3) The board may appoint such clerks and assistants as it may deem necessary to the execution of its functions and fix their salaries.

(4) The board shall, on the first day of January of each year, report its proceedings to the governor, including an account of moneys received and disbursed. The president and secretary shall file annually with the governor a verified list of watchmakers qualified to serve as members of the board.

Section 25. KRS 330.050 is amended to read as follows:

(1) There is hereby created a board of auctioneers. The governor shall [, upon June 14, 1962,] appoint a board consisting of *five (5)* [three (3)] members, *three (3)* [each] of whom immediately prior to the date of *their* [his] appointment *have* [has] been [a] resident*s* of the commonwealth of Kentucky for five (5) years, and whose vocation for a period of at least five (5) years has been that of an auctioneer. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The* [One (1) member shall be appointed for a term of one (1) year; one (1) member shall be appointed for a term of two (2) years; one (1) member shall be appointed for a term of three (3) years. Each member shall serve until his successor is appointed and qualified. Thereafter, the] term of the members of the board shall be for three (3) years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term.

(2) At no time shall there be more than *three (3)* [two (2)] members of the same political faith on the board. Whenever there is a vacancy on the board, the Kentucky Auctioneer Association shall recommend to the governor at least three (3) names for each *auctioneer* vacancy and *such* [the] appointment or appointments shall be made from the recommendations of the association.

(3) The board, immediately upon qualification of the member appointed in each year, shall organize by selecting from its members a chairman.

(4) Each member of the board shall receive the sum of twenty-five dollars ($25.00) per day as full compensation for each day actually spent on the work of the board and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

(5) The board shall have full authority to employ, and discharge, a secretary and such other personnel as may be necessary to administer and enforce the provisions of this chapter, and it shall outline the duties and fix the compensation of such persons, which compensation shall be comparable to the salaries paid other state employes doing similar work. The board shall obtain office space, furniture, stationery and any other proper supplies and conveniences reasonably necessary to carry out the provisions of this chapter.

(6) All fees and charges collected by the board under the provisions of this chapter shall be paid into the state treasury through the executive department for finance and administration and shall be credited to an agency-fund account for the board of auctioneers under the provisions of KRS 45.140 and shall be withdrawn or expended as provided in that section. The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, fines and penalties imposed under the provisions of this chapter and paid into the state treasury. The board shall be financially self-sustaining, and if funds permit it may underwrite, within its financial limitations, educational programs for the enlightenment and benefit of all auctioneers and apprentice auctioneers who have paid fees pursuant to this chapter.

(7) The board shall annually publish a list of the names and addresses of all auctioneers and apprentice auctioneers licensed by it pursuant to this chapter. This list shall also contain the names of all persons whose licenses have been suspended or revoked within the preceding year, as well as any other information relative to the enforcement of the provisions of this chapter that the board may deem of interest to the public.

Section 26. KRS 331.040 is amended to read as follows:

(1) There is hereby established a state board of business schools which shall consist of the superintendent of public instruction and six (6) persons to be appointed by the governor. *Three (3)* [Four (4)] members of the board shall be persons who, for at least five (5) years next preceding the date of their appointment, shall have occupied executive or managerial positions with an independent business school in Kentucky. These *three (3)* [four (4)] appointments shall be made from a list of two (2) names for each position submitted by the Kentucky Association of Independent Business Colleges. Two (2) members of the board shall be persons occupied in commerce or industry in Kentucky. *One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.*

(2) Upon expiration of each of the respective terms of the members first appointed, the term of each successor shall be four (4) years or until his successor shall be appointed and qualified.

(3) The superintendent of public instruction shall serve as ex officio president of the board and the members of the board shall elect one (1) of their number as secretary. The board is authorized to fix the compensation of the secretary and to employ and fix the compensation of all personnel required by it for the administration of the provisions of this chapter. The board shall have the power to make all rules and regulations, consistent with the provisions of this chapter, as may be necessary to carry out the provisions and purposes of this chapter.

(4) The board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the board may designate and the majority of the members shall constitute a quorum.

(5) The board may sue and be sued in its own name.

(6) The members of the board, except the secretary, shall receive no compensation for their services but may be paid their travel and other expenses while employed upon the business of the board.

(7) The board shall administer the provisions of law pertaining to the conduct, operation, maintenance and establishment of independent business schools, and the activities of agents thereof when acting as such.

Section 27. KRS 334A.070 is amended to read as follows:

(1) There is hereby created a Board of Examiners of Speech Pathology and Audiology which shall consist of five members to be appointed by the Governor. One member shall be an audiologist, one shall be a speech pathologist , [and] one shall be an otolaryngologist *and one (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.* The members of the board shall serve until the expiration of the term for which they have been appointed or until their successors are qualified. [Initial appointment shall be made as follows: two members of the board shall be appointed for a term of one year; two members for a term of two years, and the remaining member for a term of three years.] All appointments made [thereafter] shall be for a term of three years except for appointments to fill vacancies caused by a reason other than the expiration of a member's term which shall be filled for the remaining portion of the member's term. No person shall be appointed to serve more than two consecutive terms.

(2) The board shall reorganize annually and select a chairman. Three members of the board shall constitute a quorum to do business. The board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the board. All meetings of the board shall be open and public except that the board may hold executive sessions to prepare, approve, grade or administer examinations; or upon the request of an applicant who fails an examination, prepare a response indicating the cause of his failure.

Section 28. KRS 335.050 is amended to read as follows:

(1) There is hereby created a State Board of Examiners of Social Work of Kentucky which shall consist of seven (7) members appointed by the Governor. Two (2) members shall be, or be eligible to be, Certified Social Workers under the provisions of KRS 335.010 to 335.160 and 335.990, who shall have rendered service, education or research in social work for at least five years. Two members shall be, or be eligible to be, Social Workers under the provisions of KRS 335.010 to 335.160 and 335.990, who shall have rendered service in social work for at least two years. Two (2) members shall be, or be eligible to be, Certified Social Workers licensed under the provisions of KRS 335.010 to 335.160 and 335.990 to engage in the independent practice of social work. One (1) member shall be a citizen at large *who is not associated with or financially interested in the practice or business regulated.* The *social worker* member shall be appointed from a list of names of qualified persons submitted by any interested parties [within ninety (90) days after June 21, 1974]. The Governor may request the submission of additional names.

(2) *Members of the board* [Initial appointment shall be made as follows: Two (2) members shall be appointed for terms of two (2) years; two (2) members shall be appointed for terms of three (3) years; and three (3) members] shall be appointed for terms of four (4) years except appointments to fill vacancies caused by a reason other than the expiration of a member's term. [Members of the board shall serve until the expiration of the terms for which they have qualified.] Upon recommendation of the board, made after notice

and hearing, the Governor may remove any member of the board for incompetence, neglect of duty, or malfeasance in office.

(3) Any vacancy *of a social worker member* shall be filled [for the unexpired term] by the Governor from a list as described in subsection (1) of this section.

(4) The board shall organize upon appointment and qualification of its members, and shall elect annually from its membership a chairman, vice chairman, and a secretary. The board shall meet in February and in August of each year, and as frequently as it deems necessary at such times and places as the board designates. The additional meetings may be held upon call of the chairman or upon the written request of three (3) members of the board. Four (4) members of the board shall constitute a quorum.

(5) The board shall be attached to the Division of Occupations and Professions in the Executive Department for Finance and Administration pursuant to the provisions of KRS 42.064.

Section 29. KRS 61.096 is amended to read as follows:

(1) No member of the general assembly, or officer or employe thereof, or officer or employe of an agency as defined in KRS 61.094, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.

(2) No member of the general assembly, or officer or employe of an agency *or member of a state board or commission*, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employe may be called upon to act or vote. No such officer or employe may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employe may be called upon to act or vote. Nor may any such officer or employe take, solicit or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five per cent (5%) of the stock of a corporation is not considered an interest.

(3) No member of the general assembly, officer or employe thereof or officer or employe of any agency shall, for compensation, appear before an agency as an expert witness.

(4) No member of the general assembly, officer or employe thereof, or officer or employe of any agency, shall act as officer or agent for the commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association or firm in which he or his spouse has any interest greater than five per cent (5%) of the total value thereof.

(5) No member of the general assembly may accept any appointment as an officer or employe of the commonwealth or any agency unless he shall have first resigned his membership in the general assembly, and it shall be unlawful for the state treasurer to pay any salary by reason of such appointment until the resignation has been accepted by the officer having a duty to call a special election to fill the particular vacancy thereby created in the general assembly.

(6) No member of the legislature, officer or employe of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten per cent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract or agreement for sale or purchase, as provided by chapter 45 of Kentucky Revised Statutes, made, entered into, awarded or granted by any agency, unless the provisions of said chapter 45 are complied with.

(7) No officer, employe or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application or other matter which is before said agency or before the department of state government in which said agency functions.

Section 30. KRS 131.320 is amended to read as follows:

(1) Each member of the Kentucky board of tax appeals shall be a person at least thirty-five (35) years of age. One (1) member shall be an attorney with the qualifications required of candidates for circuit judge. The other two (2) members shall be persons with general business background *except that not all of the members shall be of the same occupation or profession.*

(2) The governor may remove any member of the board for cause after giving him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel in his own defense upon not less than ten (10) days notice. If a member of the board is removed, the governor shall file in the office of the secretary of state a complete statement of all charges and his findings therein, and a complete

record of the proceedings. Any member of the board so removed may bring action in the proper court to determine whether or not he was legally removed in accordance with this section.

(3) The members of the board shall receive an annual salary to be fixed by the governor.

(4) The principal office of the board shall be at Frankfort, Kentucky. A majority of the board may hold hearings outside of Frankfort or as provided in subsection (5) of KRS 131.355, with a view to securing opportunity to taxpayers to appear before it with as little inconvenience and expense as practicable. The office of the board shall be open during regular working hours for the conduct of its business.

Section 31. KRS 230.220 is amended to read as follows:

(1) There is hereby created the Kentucky state racing commission which shall be an independent agency of state government. The commission shall consist of five (5) members all of whom shall be appointed by the governor. Not less than three (3) of the members shall be breeders of thoroughbred horses in Kentucky, [and] no two (2) of the members shall be directors of the same racing association *and at least one (1) of the members shall have no financial interest in the business or industry regulated.* Commissioners shall be appointed for a term of four (4) years and until their successors are appointed and qualified. Any vacancy on the commission shall be filled by the governor for the unexpired term. Each commissioner shall be eligible for reappointment in the discretion of the governor. Commissioners shall serve without salaries, but shall be reimbursed for all expenses paid or incurred in the discharge of official business. The commission shall designate one (1) of their number as chairman and another as vice chairman. Before entering upon the discharge of their duties, each commissioner shall take the constitutional oath of office.

(2) The commission shall establish and maintain a general office for the transaction of its business and may in its discretion establish a branch office or offices. The commission may hold meetings at any of such offices or at any other place when the convenience of the commission requires. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings. A majority of the commission shall constitute a quorum for the transaction of its business or exercise of any of its powers.

Section 32. KRS 230.413 is amended to read as follows:

(1) The Kentucky Quarter Horse and Appaloosa Commission shall be an agency independent of state administrative departments.

(2) The commission shall consist of five persons appointed by the Governor. *At least one (1) of the members shall have no financial interest in the business or industry regulated.* The members of the commission shall hold their offices for a term of four years.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

Section 33. KRS 230.620 is amended to read as follows:

(1) The Kentucky Harness Racing Commission shall be an agency independent of state administrative departments and shall be in the Public Protection and Regulation Cabinet.

(2) The commission shall consist of five (5) persons appointed by the Governor. *At least one (1) of the members shall have no financial interest in the business or industry regulated.* The members of the commission shall hold their offices for a term of four (4) years. The members of the commission shall choose from their number a chairman and a vice-chairman.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

(4) The commission may appoint one (1) or more Deputy Commissioners and Assistant Deputy Commissioners who shall perform such duties as prescribed by the Commission.

(5) The presently appointed members of the Kentucky Trotting Commission shall constitute the initial members of the Kentucky Harness Racing Commission until their current terms expire in 1976 and their successors have been duly appointed and qualified.

Section 34. KRS 241.100 is amended to read as follows:

(1) No member of the board *or member of his immediate family* or employe of the department shall have any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit.

(2) No person shall be disqualified under this section solely by reason of his membership in a club.

(3) If a member of the board is disqualified or fails to give bond and take the oath of office, the governor shall fill the vacancy by appointment for the period during which that member of the board remains disqualified or fails to qualify.

Section 35. KRS 334.140 is amended to read as follows:

(1) There is hereby created the "Kentucky Board for Licensing Hearing Aid Dealers".

(2) The board shall be composed of nine (9) members who shall be appointed by the Governor within thirty (30) days after June 16, 1972. Terms of office shall be for four years. Appointments shall be scheduled so that two (2) appointments shall be made every year, except the fourth year when one appointment shall be made. To accomplish this, initial appointments shall be made on the following schedule: Two (2) for one (1) year; three (3) for two (2) years; two (2) for three (3) years; and two (2) for four years. All terms shall expire on July 31 of designated year. Each member shall serve for the term of his appointment and until his successor has been appointed and qualified. In the event of a vacancy on the board, a new member shall be appointed to serve out the unexpired term. No member shall serve more than one consecutive term. The Governor may remove a member only for cause.

(3) Five (5) members shall be hearing aid dealers. The initial appointees shall have at least five years' experience as dealers. Those appointed thereafter shall be licensed under this chapter. The Governor shall consider nominations from the Kentucky Hearing Aid Dealers Association. There shall not be two members from the same place of business serving on the board at the same time.

(4) One (1) member shall be a physician licensed to practice medicine in Kentucky and specializing in otology or otolaryngology.

(5) One (1) member shall be an audiologist holding at least a Master's degree from a recognized college or university having the certification of clinical competence in audiology from the American Speech and Hearing Association.

(6) One (1) member shall *be a citizen at large who is not associated with or financially interested in the practice of business regulated* [represent the consumer public].

(7) One (1) member shall be the Commissioner of Health or his representative.

(8) Five (5) members of the nine (9) members of the board, including either the physician or the audiologist, when properly convened, may conduct the business of the board.

**SB 367,** AN ACT relating to the solicitation of funds for charitable and civic purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Charitable or civic purpose" means any purpose or activity which is benevolent, educational, philanthropic, humane, patriotic, religious, eleemosynary or fraternal, or is designed to serve the welfare of society generally, or any class or group to which society is morally obligated, or a specific community or to preserve or improve the culture thereof or environment enjoyed thereby.

(2) "Contribution" means the gift or promise of a gift of any money, property or compensated services, including the consideration for any goods or services transferred to a purchaser, when the sale is represented as being made to raise funds for a charitable or civic purpose, except (a) payments by members of an organization to it for reasonable membership fees, dues, fines, or assessments or for services rendered to the individual member if membership in such organization confers a bona fide right, privilege, professional standing, honor, or other direct benefit commensurate with the payment other than the right to vote, elect officers, or hold offices, and (b) money, property, or compensated services received from any governmental authority.

(3) "Solicit" and "solicitation" means, respectively, (a) to engage in, and (b) the act of, requesting, directly or indirectly, that an addressed person or limited audience or the public generally make a contribution or contributions. Solicitation shall be deemed to have taken place when the request is made, whether or not the requested contribution is made.

(4) "Organization" means any combination of persons acting in concert or any person other than a natural person, and shall include a corporation sole.

(5) "Person" means any natural person, corporation, trust, partnership, incorporated or unincorporated association or other legal entity.

(6) "Professional fund raiser" means a person who for compensation or other consideration plans, conducts, manages or carries on or advises concerning a drive or campaign of soliciting contributions to a person or organization for charitable or civic purposes, or employs or supervises solicitors in connection therewith. A bona fide officer or employe of the donee of such contributions is not a professional fund raiser unless his salary or other compensation is computed on the basis of funds raised or to be raised.

(7) "Professional solicitor" means a solicitor who is employed for compensation or other consideration by either a professional fund raiser or the prospective donee of the contributions.

(8) "Religious organization" means any organization, the activity of which is protected by Section 1(2) of the Constitution of Kentucky and the First Amendment to the Constitution of the United States.

(9) "Solicitor" means a natural person who, by personal contact, transmitted oral communication or writing which identifies such person, requests a specific person to make a contribution for charitable or civic purposes.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The following acts are hereby declared unlawful:

(1) The payment by a person or organization for which contributions are solicited to all professional fund raisers and solicitors of more than fifteen percent (15%) of gross contributions of money and property received and of net proceeds of social and spectator events and sales of goods and services, or the receipt by a professional fund raiser or solicitor, either directly or indirectly, of more than fifteen percent (15%) of gross contributions of money and property raised by him or through his efforts or more than fifteen percent (15%) of net proceeds of social and spectator events and sales of goods and services organized and conducted by him.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The following solicitations are exempt from the provisions of this Act:

(1) Solicitations by an organization of contributions from its members and their families only, provided membership is not included in a solicitation to avoid the provisions of this Act, is not granted upon the basis of contributions alone, and is within the exception of Section 1(2) of this Act.

(2) Solicitations by a religious organization for funds for religious purposes such as maintenance of a house of worship, conduct of services and propagation of its faith and tenets as distinguished from other charitable and civic purposes employed by non-religious organizations.

(3) Solicitations by a publicly owned or non-profit privately endowed educational institution which is approved or licensed by the state board of education, the council on public higher education or an equivalent public authority of the jurisdiction where the institution is located from the alumni, faculty members and student body of the institution and their families, and from corporations, for the continuance of an established educational program.

(4) Local solicitations by a student group or parent-teacher association for its campus or group connected activities with the approval of the administration of the educational institution.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

All of the remedies, powers, and duties provided for the attorney general by KRS 367.190 through 367.300 appertaining to acts declared unlawful by KRS 367.170 shall apply with equal force and effect to acts declared unlawful by Section 2 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

This Act shall not be construed to limit or restrict the exercise of powers or the performance of the duties of the attorney general which he is authorized to exercise or perform under any other provision of law.

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates the terms of a temporary or permanent injunction issued under this Act shall forfeit and pay to the commonwealth a penalty of not more than five thousand dollars ($5,000) per violation. For the purposes of this section, the circuit court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the commonwealth may petition for recovery of civil penalties.

(2) The attorney general may, upon petition to a court having jurisdiction under KRS 367.190, recover on behalf of the commonwealth from any person found to have willfully committed an act declared unlawful by Section 2 of this Act a penalty of not more than two thousand dollars ($2,000) per violation.

The Committee on Education reported **SB 357, HJR 64, HJR 78, SB 173, SB 157,** and **SB 363** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 357,** AN ACT relating to school boards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 160.041 is amended to read as follows:

(1) When a board of education of an independent school district desires to have its district become a part of the county school district, it shall by motion so record its desire in the minutes of the board. The board, or its executive officer, shall convey this request to the county board of education. At its next regular meeting, or at a special meeting held prior thereto, the county board of education shall pass upon this request.

(2) If the county board of education refuses, or the two (2) boards of education cannot agree upon such a proposition of merger of the independent district with the county district, *the question of merger shall be submitted to the qualified voters of the two districts at the next regular election.*

*(a) If a majority of those voting on the question favor merger, the school boards of the two school districts shall jointly develop a plan for adoption of the merger.*

*(b) If the two school boards cannot agree to the terms of merger within sixty (60) days following the date of the regular election, the superintendent of public instruction shall develop the terms of the adoption of merger.*

*(c) Notwithstanding subsection (2)(a) of this Act if the independent school district cannot meet its current operating expenses from projected revenue and if the two school boards cannot agree to the terms of a merger, then the proposition of merger shall be submitted to the state board of education and the state board of education shall determine whether or not the two districts should be merged and if merged the terms thereto.*

*(d) Upon completion of the plan for adoption of the merger, whether prepared by the school boards or the superintendent, it shall become effective and the independent district shall become a part of the county school district as set out in the plan.* [the independent board of education may appeal to the superintendent of public instruction and ask that its request to become a part of the county school district be submitted to the state board of education for final settlement.

(3) If the state board of education approves the proposition of merger, it shall become effective and the independent district shall become a part of the county school district on the basis of the conditions of merger as set out by action of the state board of education.]

**HR 64,** A JOINT RESOLUTION directing the Department of Education and the Legislative Research Commission to conduct a study of fringe benefits currently available to public school teachers and make recommendations to the Governor and the Interim Committee on Education for a coordinated program of fringe benefits for public school employes.

WHEREAS, fringe benefits have become an accepted increment of compensation for the vast majority of the American working force; and

WHEREAS, in each session of the General Assembly, various bills relating to emergency leave, personal leave, sick leave, workman's compensation, unemployment insurance, and other insurance programs are introduced; and

WHEREAS, a coordinated, equitable fringe benefit plan for public school employes is desirable;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The State Department of Education and the Legislative Research Commission are directed to conduct a study of existing fringe benefits, including the equity of their application within public school districts and the average percentage they constitute of the total compensation provided public school employes, both certified and classified.

Section 2. In consultation with representative groups of both certificated and classified employes and by examining fringe benefits available to similar groups of employes in other states as well as this state in both public and private endeavors, the Legislative Research Commission and the Department of Education shall jointly recommend a reasonable, equitable, and integrated fringe benefit program for public school employes for the consideration of the Governor and the General Assembly.

Section 3. Findings of fact and recommendations developed by the Department of Education and the Legislative Research Commission shall be jointly presented to the Governor and the Interim Committee on Education no later than September 1, 1977.

Section 4. Staff services to utilized in completing this study are estimated to cost $7,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

**HR 78**, A JOINT RESOLUTION to study and recommend means for the removal of inequity in the retirement program available to the professional staffs of the various institutions of public higher education.

WHEREAS, inequities exist in the retirement programs available to professional staffs of the various institutions of public higher education in the Commonwealth of Kentucky; and

WHEREAS, these inequities have existed for several years and there have been no effective steps to remove them;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Council on Public Higher Education is hereby directed to conduct a study of the inequities among the retirement program available to the professional staffs at the various institutions of public higher education in the Commonwealth and recommend means for the removal of such inequities.

Section 2. The Council on Public Higher Education is further directed to report its findings and recommendation to the Legislative Research Commission not later than July 1, 1977.

Section 3. The Clerk of the House of Representatives is directed to transmit this Resolution to the Council on Public Higher Education.

**SB 173**, AN ACT relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 158.135 is amended to read as follows:

As used in this section, unless the context otherwise requires:

(1) "Out-of-district children," means those children of school age resident in a state-operated institution *or state-operated day treatment center* who were placed therein from school districts other than the one in which the institution *or day treatment center* is located.

(2) "Current costs and expenses," means all expenditures, other than for capital outlay and debt service, which, in the final result, are an actual charge on the tax revenue of the school district for the furnishing of school services to out-of-district children. Among other things, "current costs and expenses" does not include those expenditures for which the school district receives reimbursement from any source, other than from the state under the provisions of this section.

(3) Any county or independent school district which provides elementary or secondary school services to out-of-district children shall be reimbursed by the department of education, out of funds not required by law to be expended for other purposes or in any other manner, in an amount equal to all current costs and expenses of the district for furnishing such services in excess of any per capita distribution received from the common school fund on behalf of the children. The school services furnished to out-of-district children shall be substantially equal to those furnished to other school children of the district.

(4) The school district shall make to the superintendent of public instruction such reports as he requires concerning school services for out-of-district children, and shall file with the state agency operating the institution *or day treatment center* in which the children are resident a copy of the annual report made to the superintendent of public instruction.

(5) The school district, at the end of each school year, shall make application to the superintendent of public instruction for the reimbursement due on behalf of school services furnished during the year just ended. After approving the application, the superintendent of public instruction shall notify the commissioner of finance *and administration* who shall cause a warrant, in the appropriate amount, to be drawn in favor of the school district.

*(6) Notwithstanding the provisions of any other statute, school districts furnishing services to out-of-district children may operate a year-round program for such children and may be compensated on a year-round basis.*

**SB 157,** AN ACT relating to boards of education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 160.160 is amended to read as follows:

Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(3), to be known as the "board of education of ...., Kentucky." Each board of education shall be a body politic and corporate with perpetual succession. It may sue and be sued; *expend funds necessary for liability insurance premiums or individual legal fees of board members in the event of suit resulting from the performance of their legal duties;* make contracts; purchase, receive, hold and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.

**SB 363,** AN ACT relating to higher education assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.740 is amended to read as follows:

As used in KRS 164.740 to 164.764, the terms listed below shall have the following meanings:

(1) "Authority" is the Kentucky higher education assistance authority.

(2) "Board" is the board of directors of the Kentucky higher education assistance authority.

(3) "College" is any institution of higher learning which is accredited by the southern association of colleges and secondary schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(4) "School of nursing" is any training program in the field of nursing, including one (1) regarding nurse aides, which is accredited by the Kentucky board of nursing education and nurse registration (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(5) "Vocational school" is any *public* vocational school, which is accredited by the Kentucky state board of education (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(6) "Business school" is any business school which is accredited by the commission for business schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(7) "Educational institution" is any college, school of nursing, vocational school, or business school within the meaning of subsections (3), (4), (5), or (6) above.

(8) "Loans" are advances of money evidenced by promissory notes which require full repayment with interest upon such terms and conditions as the board may prescribe.

(9) "Grants" are gifts of money, tuition discounts, waivers of tuition and fees or other monetary awards that require neither repayment nor employment and are based on demonstrated financial need and such other terms and conditions as the board may prescribe.

(10) "Scholarships" are gifts of money based on financial need and superior academic ability or achievement or a special talent and such other terms and conditions as the board may prescribe.

(11) "Honorary scholarships" are certificates of merit or achievement or other appropriate documents which may be issued by the board to students in recognition of superior academic ability or achievement or a special talent.

(12) "Work study" is an award of money disbursed by the board at specified intervals to students who provide needed services to an eligible institution for a specified number of hours in a capacity approved by the board.

(13) "Eligible institution" is any Kentucky educational institution within the meaning of subsection (7) above which has executed an agreement with the board pursuant to KRS 164.748 (5).

(14) "Loan guarantees" are pledges of funds appropriated or otherwise made available to the board to approved private lenders under the terms and conditions of KRS 164.749(3).

Section 2. KRS 164.749 is amended to read as follows:

(1) The rules and regulations adopted by the board shall restrict loans, loan guarantees, grants, monetary scholarships, and work-study payments to persons who:

(a) Are classified as resident students under the terms and conditions established by the council on public higher education;

(b) Are planning to enroll or are enrolled as *full-time* [at least half-time] students in an eligible Kentucky institution;

(c) Are not planning to enroll or are not enrolled in a course of study leading to a certificate, diploma or degree in theology, divinity or religious education, [and,]

(d) Have been determined, by *such* [acceptable] need analysis [such as the parents confidential statement of the American college testing program or such other analysis] as the authority may determine, to be in need of the assistance in order to enroll in or complete an eligible course of study *as defined by the board; and* [.]

*(e) Have applied for any federal, state or institutional student financial assistance program as the authority may determine to be necessary and appropriate to meet the financial needs of the person.*

(2) In the instance of loans the board shall adopt rules and regulations which:

(a) Are necessary to qualify the authority as an insured lender under Title IV, Part B, of the Higher Education Act of 1965, as amended;

(b) Require that loans be made only to those eligible students who are unable to secure comparable loans from private lenders; and,

(c) Insure that all moneys loaned to students [and all other payments resulting from such loans] will, in due course, be returned to the loan funds for reinvestment for loans to other students except that interest income *and other income resulting from such loans or from the investment of funds reserved for the making of such loans shall be transferred to the authority's administration account* [may be used for reasonable and necessary administrative expenses of the authority].

(3) In the instance of loan guarantees:

(a) The board may provide loan guarantees to any student who is a resident of Kentucky and who is attending or planning to attend an eligible institution; provided, however, that he meets and continues to meet the minimum standards of that institution during his attendance thereat. The total aggregate of all loans shall not at any time exceed fifteen times the fund balance in the loan guarantee fund.

(b) No loan which is guaranteed shall bear interest at a rate in excess of seven percent (7%) per annum, including all incidental expenses that may be charged by the lender. In addition, the authority shall not under any circumstances guarantee any loan which bears interest at a rate higher than the then prevailing rate of interest which the lender charges to other persons for similar type loans which are not guaranteed by the authority.

(c) The board may assess a special interest charge, not to exceed one percent (1%) per annum, to defray authority administrative costs. Any special interest charge shall be paid to the authority by the lending agency making the loan, and the charge shall be used exclusively for the purpose of meeting the expenses of the authority and maintaining the available fund balance in the loan guarantee fund.

(d) The interest on any loan guaranteed by the authority shall be paid at least annually throughout the period during which the borrower is regularly pursuing his education program to which the loan is applicable.

(e) The amount of any loan to be guaranteed shall be determined on the basis of need, but in no instance shall it exceed $1,500 for any school year nor an aggregate total of $7,500.

(f) The terms and conditions of any loan guaranteed by the authority shall not require the borrower thereof to commence the repayment of the principal amount of his loan earlier than six months following his completion or other termination of the education program for which such loan was made. Such a borrower shall not be required to repay in full any such loan earlier than within two (2) years following completion or other termination of his education program if the principal amount of his loan does not exceed $1,000; or four (4) years if such principal amount exceeds $1,000 but is not more than $2,000; or six (6) years if such principal amount exceeds $2,000 but is not more than $3,000; or eight (8) years if such principal amount exceeds $3,000 but is not more than $4,000; or ten (10) years if such principal amount exceeds $4,000 but not more than $5,000; or twelve (12) years if such principal amount exceeds $5,000.

(g) Exceptions to this schedule, at the discretion of the board, may be given to students having a formal internship, residency training, or fellowship where applicable, such as in the instance of medical and dental students.

(h) If borrowers are on active duty in the armed forces for not more than two (2) years, consideration shall be given to financial need in determining the period of repayment.

(4) In the instance of scholarships the board shall adopt rules and regulations:

(a) Specifying ways in which superior academic achievement or ability or special talents will be identified and measured; and

(b) To insure that the amount of scholarship to a student attending or planning to attend an eligible institution will not exceed the financial need of the student as determined in accordance with subsection (1), paragraph (d) of this section, or the maximum scholarship as established by the board, whichever is less.

(5) In the instance of honorary scholarships the board shall adopt rules and regulations to insure that those students who qualify for scholarships and those students who apply for scholarships and would qualify except for failure to satisfy the requirements of subsection (1), paragraph (d), of this section are appropriately recognized through the issuance of certificates of merit or achievement or other appropriate documents.

(6) In the instance of grants the board shall adopt rules and regulations:

(a) To insure that the amount of a grant to a student will not exceed the financial need of the student as determined in accordance with subsection (1), paragraph (d) of this section or the maximum grant as established by the board, whichever is less.

(b) To insure that grants be first offered to those students whose parents or others in loco parentis have the least ability to provide monetary assistance and thereafter in the order of the ability of the parents or others in loco parentis to provide monetary assistance proceeding from those with the least ability to provide monetary assistance to those with the greatest ability to provide monetary assistance until funds are exhausted.

(7) Funds appropriated to the financial assistance program established by KRS 164.780 to 164.785 shall be administered by the board in accordance with the provisions of KRS 164.780 to 164.785.

(8) In the instance of work-study payments to students the board shall adopt rules and regulations to determine that:

(a) The student is eligible under the provisions of Title I, Part C, of the Economic Opportunity Act of 1964, as amended;

(b) The eligible institution has an employment opportunity available for the student and that the opportunity will not interfere with the student's normal progress toward a degree, diploma or certificate;

(c) That the employment of the student will not result in the displacement of employed workers or impair existing contracts for services; and,

(d) The work-study payment will not exceed the financial need of the student as determined in accordance with subsection (1), paragraph (d), of this section or the maximum payment as established by the board, whichever is less.

Section 3. KRS 164.754 is amended to read as follows:

(1) There are hereby created in the state treasury for the purpose of carrying out the purposes of KRS 164.740 to 164.764 the following special funds:

(a) A "scholarship fund" to which shall be credited all funds appropriated by the general assembly to the authority for scholarships, and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account, and shall not lapse.

(b) A "loan guarantee fund" account to which shall be credited all funds appropriated by the general assembly to the authority for the purpose of guaranteeing loans to qualified students, and all funds obtained from all other sources for such purposes. This fund shall be a revolving account, and shall not lapse. These funds may be invested as provided by law for the investment of Kentucky public employe retirement system funds. At any time the ratio of the aggregate total of loans made to students under KRS 164.740 to 164.764 to the amount in the loan guarantee funds becomes less than fifteen (15) to one (1), the board shall transfer a sufficient amount of funds to the state general fund appropriation to bring the ratio up to that sum; Provided, however, That the funds transferred shall not exceed the amount appropriated by the general assembly for the guarantee of loans.

(c) An "administration" account to which shall be credited all funds appropriated by the general assembly to the authority for administration and all funds received from loan funds authorized for administrative costs. *The authority shall transfer from this account to the loan fund, grant fund or work-study fund any amounts accruing in this account not needed to cover the reasonable and necessary administrative expenses of the authority.*

(d) A "loan fund" to which shall be credited all funds appropriated by the general assembly for loans and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account and shall not lapse. These funds may be invested as provided for the investment of Kentucky public employe retirement system funds. Interest income and other income from loans or other investments *shall* [may] be transferred to the "Administration" account [to cover the reasonable and necessary administrative expenses] of the authority [related to administering loans authorized in this subsection].

(e) A "grant fund" to which shall be credited all funds appropriated by the general assembly for grants and all funds received from all other sources for such purposes.

(f) A "work-study fund" to which shall be credited all funds appropriated by the general assembly for work-study payments and all funds received from all other sources for such purposes.

(2) The only expenditures to be made from the loan fund shall be for loans; the only expenditures authorized to be made from the scholarship fund shall be for scholarships; the only expenditures authorized to be made from the loan guarantee fund shall be for the payment of default accounts and insurance on

borrowers; the only expenditures to be made from the grant fund shall be for grants; the only expenditure to be made from the work-study fund shall be for payments to students.

Section 4. KRS 164.785 is amended to read as follows:

(1) The state of Kentucky shall grant an amount as provided in KRS 164.780 and this section to any applicant who meets the following qualifications:

(a) Is a Kentucky resident as defined by the Kentucky Council on Public Higher Education;

(b) Has been accepted by or is registered as a full time student in a Kentucky independent nonprofit college or university which is accredited by the Southern Association of Colleges and Schools and whose institutional programs are not comprised solely of a sectarian instruction;

(c) Is not enrolled in a course of study leading to a degree in theology, divinity, or religious education; and

(d) Has not previously attended college or university for more than seven semesters or the equivalent.

(2) The amount of the tuition grant to be paid to a student each semester, or appropriate academic term, shall be determined by the Kentucky Higher Education Assistance Authority [and the authority shall award the maximum amount permissible as determined by the need of the student].

(3) The maximum amount shall not exceed 50 per cent of the average state appropriation per full-time equivalent student enrolled in all public institutions of higher education. Such tuition grants are to be calculated annually by the Kentucky Higher Education Assistance Authority.

(4) The need of each applicant shall be determined by acceptable need analysis such as the Parents' Confidential Statement of the College Scholarship Service, and such other analyses as the authority may determine.

(5) An adjustment shall be made in the tuition grant of any student awarded a scholarship from any other source provided the combination of grants and awards exceeds the calculated need of the student. [If the scholarship is for only a portion of tuition and fees, the student may qualify for a proportionate tuition grant in accordance with the provisions of KRS 164.780 and this section.]

Section 5. Whereas the persons who benefit from these programs need early notification of their eligibility for student financial assistance in order to enroll in eligible courses of study, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

The Committee on State Government reported **HB 825**, **HB 826**, **SB 263**, **SCR 1**, and **SCR 49** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 825**, AN ACT relating to the state treasurer.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 41.310 is amended to read as follows:

The executive department for finance and administration shall furnish the treasurer reports which exhibit the status of each receipt and expenditure account. At the end of each *day* [month] the treasurer shall furnish the executive department for finance and administration a report showing the accumulated receipts and a listing of all warrants unpaid as of the end of *that day* [the last day of each month].

**HB 826**, AN ACT relating to the State Treasurer.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 41.360 is amended to read as follows:

(1) Where any officer or employe of the state government or of any agency of the state government has authorized the state treasurer to deduct from his compensation as such officer or employe a sum or sums for the purchase of United States Series E savings bonds, and thereafter, for any cause, has departed from such office or employment leaving unclaimed in the hands of the state treasurer a sum arising from such deduction not equal to the amount for which such a bond may be purchased, the *employing agency's fiscal officer* [state treasurer] shall, within ninety (90) days after the date of the last deduction, mail to such officer or employe, at his last known address as shown on the records of the department of personnel, a notice stating the sum held

by the state treasurer for such officer or employe, and requesting that he make claim for the same within six (6) months thereafter. *Duplicates* [A duplicate] of such notice, addressed to the officer or employe, shall at the same time be delivered to the state *treasurer and the department of revenue* [agency] of which the person was an officer or employe. If, at the expiration of six (6) months from the date of mailing the letter, the officer or employe has not made claim for the sum due him, the sum shall, as of July 1 following the expiration of such six-months' period, be presumed abandoned.

(2) On or before September 1 of each year [the] state *agencies* [treasurer] shall report to the department of revenue, in duplicate, a list of the sums presumed to be abandoned as of the preceding July 1, giving the name of the officer or employe and his last-known address. The department of revenue shall cause the report to be posted and published as provided in KRS 393.110. If, by November 15 following such posting and publication, the sums involved have not been claimed, *the department of revenue shall notify* the state treasurer *who* shall *credit the unclaimed balances to* [place the sums to the credit of] the general fund in the state treasury and shall report that fact to the department of revenue. Thereafter such sums shall have the same status as other property turned over to the department of revenue as provided in KRS 393.110, and the rights of any person to make claim for the same shall rest upon the same principles as the rights of other claimants of property presumed to be abandoned under the provisions of KRS chapter 393.

**SB 263,** AN ACT relating to vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

Any person whose chauffeur's license has been legitimately lost or destroyed, shall apply to the circuit court clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. He must furnish satisfactory proof by affidavit substantiating such loss or destruction when applying for such duplicate license. The fee for such duplicate shall be one dollar ($1.00), of which fifty cents (50¢) shall be retained by the circuit court clerk; the remaining fifty cents (50¢) shall be submitted to the department of transportation in compliance with KRS 186.400 through 186.490.

Section 2. KRS 189.090 is amended to read as follows:

(1) No owner shall knowingly operate or permit to be operated on a highway a motor vehicle upon which the brakes are defective.

(2) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. There shall be two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If the two (2) separate means are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brake on at least two (2) wheels.

(3) (a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop the vehicle when traveling twenty (20) miles per hour within a distance of thirty (30) feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one per cent (1%).

(b) Under the conditions described in subsection (3) (a) the hand brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet and the hand brake shall be adequate to hold the vehicle stationary on any grade upon which it is operated.

(c) Under the conditions described in subsection (3) (a) the service brakes upon a motor vehicle equipped with two (2)-wheel brakes only shall be adequate to stop the vehicle within a distance of forty (40) feet and the hand brake adequate to stop the vehicle within a distance of fifty-five (55) feet.

(d) All braking distances specified in this section shall apply whether or not the vehicles are loaded to the maximum capacity permitted by law.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate equally practicable with respect to the wheels on opposite sides of the vehicle.

(4) No person shall operate any semitrailer *or semitrailer-trailer combination or truck trailer combination or truck semitrailer combination* on *any* [a] highway *in this state* unless it is equipped with efficient brakes that may be operated by the operator of the truck or tractor to which the semitrailer *or semitrailer-trailer* is attached.

Section 3. KRS 189.270 is amended to read as follows:

(1) The department may prescribe, by orders of general application, rules and regulations for the issuance by it of permits for the operation of *motor vehicles and house trailers* [motor trucks, tractors, semitrailers and trailers,] whose gross weight including load, height, width or length exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. Permits may be issued by the department for stated periods, special purposes and unusual conditions, and upon such terms in the interest of public safety and the preservation of the highways as the department may, in its discretion, require. The department shall require, as a condition to the issuance of the permit, that the applicant pay a reasonable fee, to be fixed by it, and may require that the applicant give bond, with approved surety, to indemnify the state or counties against damage to highways or bridges resulting from use by the applicant. The operation of *motor vehicles and house trailers* [motor trucks, tractors, semitrailers or trailers,] in accordance with the terms of any such permit shall not constitute a violation of this chapter if the operator has the permit, or a copy of it, authenticated as the department may require, in his possession.

(2) No person shall operate any *motor vehicle or house trailer* [motor truck, tractor, semitrailer or trailer,] in violation of the terms of the permit.

Section 4. KRS 189.659 is amended to read as follows:

(1) The department shall issue a permit under the provisions of KRS 189.641 to 189.647 and 189.651 to 189.659, to any operator of commercial vehicles who carries out a safety program meeting the approval of the department.

(2) All vehicles operated in interstate commerce and subject to the safety regulations adopted by the interstate commerce commission or other vehicles which are required by regulation to submit to stricter and more frequent safety inspections shall be exempt from the effects of KRS 189.641 to 189.647 and 189.651 to 189.659. A motor vehicle which *is registered under the provisions of KRS 186.043* [was manufactured prior to 1932] and which is used primarily for exhibition in shows, parades, tours and other special uses but not for general transportation is exempt from the provisions of KRS 189.641 to 189.647, 189.651 to 189.659 and 189.730.

Section 5. KRS 189.285 is amended to read as follows:

(1) No person shall operate a motorcycle:

(a) Except when that person is in possession of [a valid motor vehicle operator's license, with] a valid motorcycle operator's license; and

(b) Unless that person uses an approved eye-protective device, in the manner prescribed by the secretary of the department of transportation, at all times such vehicle is in motion; and

(c) Unless the motorcycle is equipped with a rear-view mirror.

(2) No person shall operate or ride as a passenger on a motorcycle:

(a) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner; and

(b) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner; and

(c) Unless that person wears approved protective headgear, in the manner prescribed by the secretary of the department of transportation, at all times that the vehicle is in motion.

(3) The secretary of the department of transportation shall by regulation fix minimum standards for approved protective headgear and for approved eye-protective devices, and prescribe the manner in which they shall be used. He shall maintain and cause to be published a list of approved protective headgear and of approved eye-protective devices. He may prescribe by regulation minimum standards for other protective devices and require the use of those devices.

(4) As used in this chapter and KRS chapter 186, "motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab.

Section 6. KRS 189.275 is repealed.

**SR 1,** A CONCURRENT RESOLUTION requesting and petitioning the President and United States Congress to recognize the right of the states to govern their inhabitants.

WHEREAS, this nation's heritage is based upon the fundamental and inalienable right of individual choice, self determination and the democratic process which is being denied to the American people by the federal government's preempting the power of the states; and

WHEREAS, historically the states of these United States have ably demonstrated their capabilities to govern their inhabitants and retain the right to do so today; and

WHEREAS, legislators, state agencies and private citizens find it increasingly burdensome to cope with ever increasing mounds of red tape, countless complex forms, duplicative inspections, conflicting standards, and insurmountable regulations reaching into every aspect of human activity; and

WHEREAS, the enactment and signing into law of legislation requiring the promulgation of countless regulations has resulted in an alarming growth in the federal and state bureaucracies;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That the President and the United States Congress cease usurping the authority of the states by passing and signing into law legislation requiring inspections and establishing standards which are duplicative of existing state laws and regulations.

Section 2. That the federal government curtail the excessive promulgation of rules and regulations which necessitate the further growth of federal and state bureaucracies.

Section 3. That the President and the United States Congress respect the separate powers reserved by the states and the right to individual freedom of choice by every citizen.

Section 4. That the Clerk of the Senate transmit a copy of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each member of the Kentucky Congressional delegation.

**SR 49,** A CONCURRENT RESOLUTION recognizing and supporting Elizabethtown as the official site of the Governor's Gold Cup Marching Contest.

WHEREAS, the Elizabethtown High School Band initiated the Governor's Gold Cup Marching Contest in the fall of 1974 with the support of Governor Wendell Ford; and

WHEREAS, Governor Julian Carroll also recognized and supported the contest in the fall of 1975; and

WHEREAS, the Governor's Gold Cup Marching Contest has been well attended and highly successful, with all the proceeds going to a scholarship program for the benefit of needy students of the Elizabethtown High School Band to attend the college or university of their choice;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That the city of Elizabethtown is hereby recognized as the official site of the Governor's Gold Cup Marching Contest, and the General Assembly hereby extends to Elizabethtown and the Elizabethtown High School Band its congratulations and support for the continuing success of this worthwhile activity.

Section 2. That the clerk of the Senate send a copy of this resolution to the mayor of the city of Elizabethtown, Mr. James R. Pritchard, the principal of Elizabethtown High School, Mr. Charles Rawlings and the Band Director, Mr. Ron Lucas.

The Committee on Highways and Traffic Safety reported **SB 216** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 216,** AN ACT relating to the powers and duties of the commissioner and officers of the bureau of state police.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 16.060 is amended to read as follows:

It shall be the duty of the commissioner and each officer of the bureau to detect and prevent crime, apprehend criminals, maintain law and order throughout the state, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the commonwealth. To this end the commissioner and each officer of the bureau is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the commissioner or any officer of the department. [The powers and duties referred to in this section shall be subject to KRS 16.120.]

Section 2. KRS 16.120 is repealed.

### Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bill had been withdrawn from Committee consideration:

Public Utilities and Transportation: **HR 86.**

### Recess

Representative B. Richardson moved that the House recess for ten minutes for a meeting of the Committee on Committees. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Reference of Bills and Resolutions (continued)

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Banking: **SB 240.**

Counties and Special Districts: **SB 14, SB 349, SB 290, SB 292.**

Education: **SB 308.**

Elections and Constitutional Amendments: **SB 30.**

Health and Welfare: **SB 314.**

Judiciary-Statutes: **SB 383.**

Labor and Industry: **SB 146.**

State Government: **SB 285, SB 343.**

### Announcements

The following requests were filed with the Clerk in regard to voting:

**HB 30:** Representative Hopkins, "yea".

**HR 75:** Representative LeMaster, "yea".

**HR 100:** Representative Hardwick, "yea".

**HB 602:** Representative Fitzgerald, "yea".

**HB 626:** Representative White, "nay".

**HB 366:** Representative Carpenter, "yea".

**HB 740:** Representative Carpenter, "yea".

**HB 149,** to table: Representative Bennett, "yea".

**HB 813:** Representative Romines, "yea".

**HB 161:** Representative Romines, "yea".

**HB 753:** Representative Romines, "yea".

**HB 637:** Representative Romines, "yea".

**HB 108:$MRepresentative** Romines, "yea".

**HB 4:** Representative Thomas, "yea".

**HB 626:** Representative Bruce, "nay".

**HB 626:** Representative White, "nay".

**HB 249:** Representative Robinson, "yea".

**HB 740:** Representative Robinson, "nay".

**HJR 75:** Representative Robinson, "yea".

**HB 187:** Representative Yates, "yea".

**HB 778:** Representative Rattliff, "yea".

The following filed Floor Amendments to Bills and Resolutions:

Representative B. Richardson, No. 1 to **HB 761.**

Representative Donnermeyer, No. 1 to **HB 507.**

Representative Lindsay, No. 1 to **HB 822.**

Representative Thomas, No. 1 to **HB 244.**

Representative Bendl, No. 1 to **HB 395.**

Representative Overstreet, No. 1 to **SB 172.**

Representative Yates, No. 2 to **HB 570.**

Representative Mann, No. 2 to **SB 362.**

Representative Overstreet, No. 2 to **SB 172.**

Representative B. Richardson, No. 3 to **SB 362.**

Representative Wible, No. 1 to **SB 330.**

Representative O'Brien, No. 1 to **SB 96.**

## Adjournment

The Speaker moved that the House adjourn until 12 noon, Monday, March 15, 1976. Agreed. Stephens, Tobin, R. Turner, Wells,

## MONDAY, MARCH 15, 1976

## FIFTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Raymond Ward, Rineyville Baptist Church, Rineyville, Kentucky.

The roll was called. All members present except Representatives Dawahare, Holloway, and Muncy.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 12, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Resolutions

**HR 114**, by Representatives Stephens and Carpenter: A RESOLUTION adjourning in memory of Mary Beth Heathman.

### Report of Committees

The Committee on Appropriations and Revenue reported **SB 369**, with Committee Amendment attached thereto, and **SB 359**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 369**, AN ACT making an appropriation to the Board of Ethics of the Kentucky General Assembly.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. There is hereby appropriated to the board of ethics, established pursuant to KRS 6.690, $30,000 for fiscal year 1976-77, and $30,000 for fiscal year 1977-78. Any unexpended balance remaining at the close of the 1976-77 fiscal year shall not lapse, but shall continue into the 1977-78 fiscal year.

The Committee Amendment to **SB 369** is as follows:

Amend printed copy of **SB 369**, page 1, after line 6, by adding the following:

"Section 2. There is appropriated to the Public Common School Foundation Program for fiscal year 1977-78 all funds collected under the authority of **HB 4** of the 1976 Regular Session of the General Assembly from a $.30 state ad valorem tax, applied against property that is taxable by a local school district or a county fiscal court, pursuant to KRS 132.020 and KRS 136.320 as defined in KRS 132.200, and all funds collected from a $.38 state ad valorem tax, applied against property that is taxable by a local school district or a county fiscal court, pursuant to KRS 136.270 as defined in KRS 132.200 to be distributed in accordance with KRS 157.310 to 157.440."

**SB 359**, AN ACT relating to general appropriations to the Legislative Research Commission for the operation, maintenance, support, and functioning of the Legislative Branch of government and its agencies of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

## PART ONE
## GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977, and for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following sums:

### I GENERAL ASSEMBLY

A. Legislative Services and Session Compensation.

| | |
|---|---|
| 1976-1977 | $ 119,762 |
| 1977-1978 | $ 900,815 |

Includes the publishing of the Acts and Journals. Any unexpended balance remaining at the close of the 1976-1977 fiscal year shall not lapse, but shall continue into the 1977-1978 fiscal year.

B. Monthly Expenses and Retirement Contributions for Legislators.

| | |
|---|---|
| 1976-1977 | $ 833,362 |
| 1977-1978 | $ 685,589 |

Includes monthly expense allowance authorized by KRS 6.213.

C. Interim Committees.

| | |
|---|---|
| 1976-1977 | $ 413,337 |
| 1977-1978 | $ 275,613 |

Includes funds for operating expenses and staff services of interim joint and interim special subcommittees of the commission as provided for in KRS Chapter 7.110(5) and pursuant to Rule 38 of the House and Senate. Any unexpended balance remaining at the close of the 1976-1977 fiscal year shall not lapse, but shall continue into the 1977-1978 fiscal year.

D. Electronic Data Processing.

| | |
|---|---|
| 1976-1977 | $ 106,810 |
| 1977-1978 | $ 116,490 |

Any unexpended balance remaining at the close of the 1976-1977 fiscal year shall not lapse, but shall continue into the 1977-1978 fiscal year.

E. Legislative Interns.

| | |
|---|---|
| 1977-1978 | $ 80,000 |

For the costs of maintaining the legislative intern program during the 1978 session of the General Assembly.

F. Facilities Improvements.

| | |
|---|---|
| 1976-1977 | $ 50,000 |
| 1977-1978 | $ 50,000 |

For the cost of improvements and equipment as may be required. Any unexpended balance remaining at the close of the 1976-1977 fiscal year shall not lapse, but shall continue into the 1977-1978 fiscal year.

### I TOTAL GENERAL ASSEMBLY

| | |
|---|---|
| 1976-1977 | $1,523,271 |
| 1977-1978 | $2,108,507 |

### II LEGISLATIVE RESEARCH COMMISSION

| | |
|---|---|
| 1976-1977 | $1,730,768 |
| 1977-1978 | $1,834,614 |

Any unexpended balance remaining at the close of the 1976-1977 fiscal year shall not lapse, but shall continue into the 1977-1978 fiscal year.

### GRAND TOTAL LEGISLATIVE

| | |
|---|---|
| 1976-1977 | $3,254,039 |
| 1977-1978 | $3,943,121 |

The Committee Amendment No. 1 to **SB 359** is as follows:

Amend printed copy of **SB 359**, page 2, line 7, by deleting the amount "$413,337" and inserting in its place the amount "$146,000";

page 2, line 8, by deleting the amount "$275,613" and inserting in its place the amount "$73,000";

page 3, line 9, by deleting the amount "$1,523,271" and inserting in its place the amount "$1,255,934" page 3, line 10, by deleting the amount "$2,108,507" and inserting in its place the amount "$1,905,894";

page 3, line 13, by deleting the amount "$1,730,768" and inserting in its place the amount "$2,035,005";

page 3, line 14, by deleting the amount "$1,834,614" and inserting in its place the amount "$2,331,733";

page 3, line 20, by deleting the amount "$3,254,039" and inserting in its place the amount "$3,290,939";

page 3, line 21, by deleting the amount "$3,943,121" and inserting in its place the amount "$4,237,627".

The Committee on Highways and Traffic Safety reported **SB 298** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 298,** AN ACT relating to traffic regulations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 189.635 is amended to read as follows:

*(1) The department of justice, bureau of state police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to insure that uniform definitions, classifications, and other federal requirements are in compliance.*

*(2) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or non-fatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, such responsibility shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his law enforcement agency.*

*(3)* [(1)] Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a [written] report of the accident with *the Bureau of State Police* [his law enforcement agency] within ten days after [his] investigation of the accident upon [duplicate] forms supplied by the *bureau* [department of justice].

[(2) Every law enforcement agency receiving vehicle accident reports required by subsection (1) shall forward one copy thereof to the department of justice from time to time as prescribed by regulations of the department.]

*(4) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding two hundred dollars ($200) in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the bureau of state police within ten (10) days of occurrence of the accident upon forms provided by the bureau.*

*(5) All accident reports filed with the bureau of state police in compliance with subsection (4) above shall remain confidential except that the bureau may disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at an accident.*

Section 2. KRS 189.580 is amended to read as follows:

(1) Any person who, while operating a vehicle on a highway, runs against or over, any other person, vehicle or personal property, in possession of any other person in such a manner as to injure the other person or damage the property, shall immediately stop and ascertain the extent of the injury or damage and render such assistance as may be needed, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five in number.

[(2) The operator of a vehicle involved in an accident resulting in injury to or death of any person or in which total property damage of two hundred dollars or more is sustained shall, within ten days, report the matter in writing to the bureau of vehicle regulation.]

[(3) Whenever the operator of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident who is capable of making a report, that occupant shall make the report or cause it to be made.]

[(4) The State Police may require the operator to file supplemental reports whenever the original report required by subsection (2), is, in its opinion, insufficient. It may also require witnesses of accidents to render reports to the State Police.]

Section 3. KRS 189.630 is amended to read as follows:

Any city may by ordinance require that the operator of a vehicle involved in an accident file with a designated city department a [report of the accident or a] copy of any report required by KRS *189.635* [ 189.580 and 189.590] to be filed with the *bureau of* state police. Such reports shall be for the confidential use of the city department and subject to the conditions of KRS *189.635* [189.610].

Section 4. KRS 189.600, 189.610, and 189.620 are repealed.

Section 5. This Act shall become effective on January 1, 1977.

The Committee on Elections and Constitutional Amendments reported **HB 837, SB 90, SB 176, SB 186,** and **SB 218** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 837,** AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 120.055 is amended to read as follows:

Any candidate for nomination to office at a primary election held under the provisions of KRS 118.015 to 118.035 and 118.105 to 118.255, *or any candidate for nomination to a city office at a primary election for which the statutes do not otherwise provide for determining contest elections,* for whom a number of votes was cast equal to not less than fifty per cent (50%) of the votes cast for the successful candidate for nomination to such office, may contest the right of the successful candidate, and of any other candidate for nomination to such office, to such nomination, by filing a petition in the circuit court within fifteen (15) days from the day of the primary election, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in ten (10) days. In the case of candidates for offices for the state at large, the petition shall be filed in the Franklin Circuit Court; in the case of other candidates it shall be filed in the circuit court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his home with a member of his family over sixteen (16) years of age, or by posting a copy on the door of his residence. The contestee shall file his answer within ten (10) days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds must be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 120.095, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five (5) days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five (5) days after the issue was joined. In circuit court districts having more than one (1) circuit judge the judge who shall hear the cause shall be determined by lot.

**SB 90,** AN ACT relating to petitions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 118.015 is amended to read as follows:

(1) A "political party" within the meaning of this chapter, is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which

cast at least twenty per cent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for.

(2) The word "election" used in reference to a state, district, county or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them.

*(3) A "qualified voter" within the meaning of this chapter is a person who is properly registered to vote on the date of the deadline for filing petitions.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

(1) No petition for nomination shall contain the name of more than one candidate.

(2) All petitions for nomination for candidates for public office shall be as follows: The petition shall consist of sheets of 8 1/2" x 11" paper and each sheet shall contain, above the place for signatures, an appropriate heading, giving the information as to the name of the candidate in whose behalf the petition is signed, the office; the party; place of residence; and the heading of each additional sheet shall be the same.

(3) Opposite the signature of each signer the residence address and the date signed shall be written by the voter in person.

(4) All signatures appearing upon petitions shall have been obtained within a period of one year immediately preceding the date of filing.

(5) No person shall sign more than one nominating petition for the same office. Signing two petitions makes both signatures void.

(6) At the bottom of each sheet of the petition shall be added a statement, signed by a qualified voter who has circulated the petition, stating his residence address and certifying that he made a reasonable effort to assure that the signatures are genuine, and that to the best of his knowledge the persons so signing were at the time of signing the petition qualified voters, that their respective residences and the date signed are correctly stated thereon. The statement shall be sworn to before a notary. The signature of the circulator together with the seal and signature of the notary on an affidavit at the bottom of each petition is prima facie evidence that such circulator took oath before such notary as to the genuineness of the signature on any such petition.

SECTION 3. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

(1) All petitions pertaining to public questions shall be in the following form: The petition shall consist of sheets of 8 1/2" x 11" paper and each sheet shall contain, above the place for signatures, an appropriate heading, giving information as to the nature of the public question.

(2) Opposite the signature of each signer the residence address and the date signed shall be written by the voter in person.

(3) All signatures appearing upon public question petitions shall have been obtained within a period of one year immediately preceding the date of filing.

(4) No person shall sign more than one public question petition for the same question. Signing two petitions makes both signatures void.

(5) At the bottom of each sheet of the public question petition shall be added a statement, signed by a qualified voter who has circulated the petition, stating his residence address and certifying that he made a reasonable effort to assure that the signatures on the petition are genuine, and that to the best of his knowledge the persons so signing were at the time of signing the petition qualified voters, and that their respective residences and the date signed are correctly stated thereon. The statement shall be sworn to before a notary. The signature of the circulator together with the seal and signature of the notary on an affidavit at the bottom of each petition is prima facie evidence that such circulator took oath before such notary as to the genuineness of the signature on any such petition.

SECTION 4. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

(1) No signature on a nominating petition shall be valid or be counted in considering the validity or sufficiency of the petition unless the petition complies with the requirements of Section 2 of this Act.

(2) No signature on a public issue petition shall be valid or be counted in considering the validity or sufficiency of the petition unless the petition complies with the requirements of Section 3 of this Act.

(3) The validity and authority of nominating petitions, in the case of candidates voted for by the state at large or by a district greater than one (1) county, shall be determined by the secretary of state. In the case of nominating petitions for candidate to be voted for by a county or by a district less than a county, the validity and authority of such petitions shall be determined by the county clerk.

(4) The validity and authority of public issue petitions shall be determined by the county clerk unless otherwise provided by law.

(5) If the signatures are challenged by a qualified voter the secretary of state or county clerk shall compare the petition signatures with the signatures on the voter registration book. The secretary of state or county clerk shall make and attach to the petition a certificate stating the number of signatures he believes to be genuine. The cost of the comparison of signatures shall be paid by the challenger.

Section 5. KRS 23.100 is amended to read as follows:

In any county in which the county seat is smaller than the fourth class, and in which there is a city of the sixth class or larger, located within two (2) miles of the geographical center of the county and ten (10) miles or more from the county seat, a petition may be presented to the county judge, calling for an election to determine whether circuit courts shall be held at a city other than the county seat. The petition must be signed by ten per cent (10%) of the *qualified* [legal] voters of the county, and shall set out specifically the name of the city in which it is desired to have court held. *The petition shall comply with the provisions of Section 3 of this Act.* Upon presentation of the petition, the county judge shall immediately appoint a capable civil engineer and two (2) commissioners, who shall survey the county and determine the distance of the city other than the county seat from the county seat and from the geographical center of the county, and file their report and plat of survey with the county court at the next succeeding regular term. The report shall lay over thirty (30) days for exceptions. The cost of the survey shall be paid out of the county levy. After the report is confirmed, the county judge shall call an election, which shall not fall within sixty (60) days of the filing of the petition. The election shall be held at the same time and place as the regular election and the officers of the regular election shall be officers of the election. If a majority of the votes cast at the election are in favor of a circuit court at a city other than the county seat, the court may be held at such place. If a majority of the votes are against the proposition, the question shall not be again submitted to the voters of the county for a period of five (5) years.

Section 6. KRS 66.100 is amended to read as follows:

Before calling in any bonds issued on account of any donation or subscription to the capital stock of a railroad company and issuing new bonds to be exchanged therefor under KRS 66.090, and before issuing any new bonds under KRS 66.090 to be sold for the purpose of paying the principal or interest of bonds issued for railroad purposes, the fiscal court shall give notice of its proposed action by publication pursuant to KRS chapter 424, and by printed posters posted at the most public place in each voting precinct of the county for at least thirty (30) days before the action is proposed to be taken. If, on or before the day the action is proposed to be taken, a petition signed by three hundred (300) *qualified* voters of the county is filed with the county judge, requesting that the question as to whether the fiscal court shall take the proposed action be submitted to the voters of the county, the fiscal court shall not take such action at the time proposed, nor until a majority of the voters of the county voting at an election on the question have voted in favor of the proposed action. *The petition shall comply with the provisions of Section 3 of this Act.* On receipt of the petition, the county judge shall file it, and enter an order upon the order book of the county directing that the question be submitted to the voters of the county at a general election held at a time fixed by the order, but not earlier than thirty (30) days after the date of the order. The election shall be conducted under the general election laws. If a majority of the votes cast on the question is in favor of the proposed action, the fiscal court shall, as soon as practicable thereafter, take the proposed action.

Section 7. KRS 66.120 is amended to read as follows:

(1) If any district consisting of a justice's district or other part or parts of a county other than an incorporated city has, before June 16, 1902, issued bonds which are outstanding and have become matured or subject to call, the fiscal court of the county may issue new bonds of and for account of the district to an amount not exceeding the amount of the outstanding bonds and interest thereon to the date of the new issue. The bonds shall be issued and sold or exchanged in the manner and form prescribed in KRS 66.090, except that the interest may be made payable annually.

(2) Before issuing new bonds under this section for the purpose of taking up old bonds issued on account of any donation to, or subscription to the capital stock of a railroad company, the fiscal court shall follow the procedure prescribed in KRS 66.100, with the following exceptions:

(a) An election shall be ordered on petition of fifty (50) *qualified* voters of the district. *The petition shall comply with the provisions of Section 3 of this Act.*

(b) The question as to whether the proposed action shall be taken shall be submitted only to the voters of the district, and the proposed action shall be taken only if a majority of the votes cast on the question by the voters of the district is in favor of the proposed action.

Section 8. KRS 66.613 is amended to read as follows:

(1) The fiscal court of a county containing a city of the first class may establish a neighborhood improvement district either upon: (a) the recommendation of the county road engineer, or (b) the petition of twenty-five per cent (25%) of the *qualified voters* [affected freeholders] sought to be included in such improvement district. Such recommendation or petition shall describe the territory intended to be included in the improvement district and the conditions and facilities existing in this territory. *The petition shall comply*

*with the provisions of Section 3 of this Act.* Any public road or roads, not subject to state or county maintenance, within the county may be included in a proposed neighborhood improvement district. The power to make public improvements within such districts may be exercised by adding or deleting neighborhood improvement districts to the system from time to time as the fiscal court may find necessary.

(2) A neighborhood improvement district may include: (a) any public road or roads not subject to state or county maintenance, including roads in a city of any class, with the written consent of the legislative body of cities of the first, second, third, fourth, fifth, or sixth class, that may function as a principal or convenient connecting way between the public roads of an individual neighborhood and any one or more state highways, county through roads, or similar county or collector or arterial roads in such a manner that specific benefits from its improvement may run to a definable territory, in addition to whatever benefits may accrue to the public generally, or (b) it may include any public road not subject to state or county maintenance, including a cul-de-sac, and abutting property, or (c) it may include any definable neighborhood in which such public improvements as roads, curbing, sidewalks, fire hydrants, utility service pipes, street lights, ancillary drainage facilities, parks, playground and open-space facilities and other public improvements, or any combination of these public improvements, may function in such a manner that specific benefits from such public improvements may run to a definable territory, in addition to whatever benefits may accrue to the public generally. The specifically benefitted territory in a neighborhood improvement district referred to in this section shall not include any territory outside the boundaries of the subject county, but it may include territory inside a city of any class within the subject county with the written consent of the legislative body of cities of the first, second, third, fourth, fifth, or sixth class, and procedures hereinafter provided by KRS 66.610 to 66.650 for the special assessment of property inside such specially benefitted territory shall be regarded as applying without regard to whether such territory is inside or outside of a city.

Section 9. KRS 67.020 is amended to read as follows:

(1) When a petition, signed in person by a number of *qualified* [legal] voters of the county equal to twenty-five per cent (25%) of the number of votes cast in the county at the last general election for county officers, is filed at a regular term of the county court, asking for an election on the proposition of removing the county seat, the county court, by orders entered of record, shall call an election on that proposition to be held on the day of the next general election for county officers that does not occur within less than ninety (90) days from the filing of the petition. *The petition shall comply with the provisions of Section 3 of this Act.* No order calling such an election shall be legal unless the place to which the county seat is proposed to be removed is specified in the petition and in the order calling the election.

(2) The county court, by order entered of record, shall direct the sheriff to advertise the election and its object by publication pursuant to KRS chapter 424.

(3) If two-thirds (2/3) of all *qualified* [legal] voters who vote at the election vote for removal, the fiscal court shall provide for the removal of the county seat.

(4) Elections under this section shall not be held *more often* [oftener] than once every ten (10) years in the same county.

Section 10. KRS 67.030 is amended to read as follows:

(1) When a petition, describing a particular territory of a county and signed in person by not less than a majority of the *qualified* voters living in that territory, is filed at a regular term of the county court, asking for an election on the proposition of dividing the county or striking the described territory from the county and attaching it to an adjoining county, the county court, by order entered of record, shall call an election on that proposition to be held on the day of any regular election held in the county for other than county officers that does not occur within less than ninety (90) days from the filing of the petition. *The petition shall comply with the provisions of Section 3 of this Act.* No order calling such an election shall be legal unless it contains a specific description of the territory proposed to be stricken or divided.

(2) The county court, by order entered of record, shall direct the sheriff to advertise the election and its object by publication pursuant to KRS chapter 424, and by printed handbills posted at the courthouse door and at not less than four (4) places in each precinct.

(3) The proposition shall not be adopted unless a majority of all the *qualified* [legal] voters of the county voting on the question vote in favor of it.

(4) Any portion stricken off and added to another county as a result of the election shall be bound for all costs expended.

Section 11. KRS 67.050 is amended to read as follows:

(1) Any county may have a fiscal court consisting of the county judge and three (3) commissioners elected from the county at large. To ascertain whether the county desires to have county commissioners, the county judge, upon an application by written petition signed by one hundred (100) *qualified* [legal] voters of the county, shall enter an order on his order book calling an election to submit to the *qualified* [legal] voters

of the county the following question: "Are you for or against having a fiscal court composed of three (3) commissioners and the county judge of the county court?" *The petition shall comply with the provisions of Section 3 of this Act.* The order shall be entered at the next regular term after the petition is filed, and shall direct the election to be held at the next regular election to be held in the county that does not occur within less than sixty (60) days from the filing of the petition. The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order within five (5) days after the order is made, and the sheriff or other officer shall have the order published pursuant to KRS chapter 424 and in addition advertise it by printed handbills posted at one or more conspicuous places in each precinct in the county for the length of time that publication is required, stating when the election will be held and the purpose thereof.

(2) All such elections shall be held under the general election laws. No such election shall be held in any county *more often* [oftener] than once in four (4) years.

(3) Any county that has voted in favor of having county commissioners may return to its prior form of government by following the same procedures as provided in subsections (1) and (2) of this section, by which it chose to have county commissioners.

Section 12. KRS 67.190 is amended to read as follows:

When a petition signed by not less than five per cent (5%) of the *qualified* [registered legal] voters of any county, and no petition shall be signed by less than two hundred (200) *qualified* [legal] voters of any county, shall be filed at a regular term of the county court thereof, asking that said county be consolidated with a named adjoining county, it shall be the duty of the county court to notify the county court of the adjoining county. *The petition shall comply with the provisions of Section 3 of this Act.* If within six (6) months from the time of said notice of the first county to the second county a petition, similarly signed by not less than five per cent (5%) of the *qualified* [registered legal] voters of any county, and no petition shall be signed by less than two hundred (200) *qualified* [legal] voters of any county, has been filed, for the consolidation of the two (2) counties, the county court of the second county shall notify the county court of the first county of such action. *The petition shall comply with the provisions of Section 3 of this Act.*

Section 13. KRS 67A.020 is amended to read as follows:

Upon a petition filed with the county clerk and signed by a number of *qualified* [registered] voters equal to 5 per cent of voters of the county voting in the immediate past general election, and, upon additional petitions equal to the number of municipal corporations within the county, filed with the county clerk and signed by a number of *qualified* [registered] voters equal to 5 per cent of the number of voters of each municipal corporation, voting in the immediate past general election, requesting a referendum be held on the question of adopting the urban county form of government, the fiscal court and the council of the largest city within the county shall appoint a representative commission composed of not less than twenty (20) citizens which shall devise a comprehensive plan of urban county government. *The petitions shall comply with the provisions of Section 3 of this Act.* The plan shall include a description of the form, structure, functions, powers and officers and their duties of the proposed urban county government; the procedures by which the original plan may be amended; and such other provisions as the commission shall determine; and shall be consistent with the provisions of the Constitution of Kentucky. This plan shall be advertised at least ninety (90) days before a general election at which the voters will be asked to approve or disapprove the adoption of the plan. The ballots shall be counted, returns made and canvassed as in other elections, and the results shall be certified by the county board of election commissioners to the county clerk. If it appears that a majority of those voting are in favor of adopting the plan, the commissioners shall enter such fact of record and shall organize the urban county government.

Section 14. KRS 68.260 is amended to read as follows:

(1) The proposed county budget adopted by the county budget commission and approved by the state local finance officer as to form and classification shall be submitted to the fiscal court for adoption not later than July 1 of each year or within ten (10) days after receipt of the certified assessment from the department of revenue, as provided in KRS 133.180, whichever shall be later. The county budget commission shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse near the front door, and be published pursuant to KRS chapter 424, at least ten (10) days before final adoption by the fiscal court.

(2) Any *qualified voter or group of qualified voters* [taxpayer or group of taxpayers] may petition the fiscal court in respect to the budget or any part thereof before final adoption. *The petition shall comply with the provisions of Section 3 of this Act.*

(3) If the fiscal court rejects any part of the proposed budget, it shall make the changes in the nature and amount of funds a majority of the court considers desirable; but it has no power to make any change in the form or classification of the budget units or subdivisions of units.

Section 15. KRS 74.010 is amended to read as follows:

(1) Subject to the requirements herein specified any county court, upon petition of twenty-five (25) *qualified voters* [resident freeholders] of the proposed district, may establish a water district and appoint water commissioners for the purpose of furnishing a water supply to the citizens of the county. The petition shall describe the territorv intended to be included in the district. and shall set out the reasons a water district is needed. *The petition shall comply with the provisions of Section 3 of this Act.*

(2) When the petition is filed the court shall give notice of the filing by publication pursuant to KRS chapter 424. Within thirty (30) days after the publication, any resident of the proposed district may file objections, and the court shall set the case for hearing within ten (10) days. If the court finds that the establishment of such district is reasonably necessary for the public health, convenience, fire protection, and comfort of the residents, it shall make an order establishing the district, and designating it by name or number. A fee of twenty dollars ($20.00) shall be allowed the court for hearing the petition and entering its order.

(3) The court may in this order strike off any part of the territory that the testimony shows will not be benefited by the creation of the district. If the court does not find that the district is necessary, it shall dismiss the petition. Either party may thereupon appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals as provided by law.

Section 16. KRS 74.115 is amended to read as follows:

(1) Upon written request of two (2) or *more qualified voters* [more freeholders] in a county or counties adjacent to a county containing a water district, the board of commissioners of the district may petition the county court of the adjoining county or counties for addition of proposed territory. *The petition shall comply with the provisions of Section 3 of this Act.* The procedure for such extension shall be the same as prescribed in KRS 74.110 and the county judge of the adjoining county may make such order as is therein provided.

(2) Water districts may be established and extended regardless of whether the entire territory of the district is continuous, provided that such territory lies in a county or counties in which the district has been authorized to serve.

Section 17. KRS 74.200 is amended to read as follows:

When the court has confirmed an assessment for the construction of a water system and the assessment has been modified by a court of superior jurisdiction, or for some unforeseen cause it cannot be collected, the commission may modify the assessment as originally confirmed to conform to the judgment of the court and to cover any deficit caused by the order of the court or unforeseen occurrence. The relevy shall be made for the additional sum required, in the same ratio as in the original assessment. In any other case where it is ascertained that the amount assessed against the property in the water district is not sufficient to complete the improvements provided for, such deficit may be paid out of current reserve, or the county court may order a relevy upon the petition of the commission, or any three (3) or more petitioners. The petition must set forth the amount of the deficit, the causes thereof, and the amount necessary to be raised in order to complete the work. *The petition shall comply with the provisions of Section 3 of this Act.* The county court shall give notice of the filing and purpose of the petition and fix a time, not less than ten (10) nor more than twenty (20) days from the giving of the notice, when the petition shall be acted upon. If upon hearing the court finds that the relevy asked for in the petition is necessary in order to complete the work, the court shall direct such relevy to be made by the commission. The relevy shall be made in the same ratio as the original assessment was made and shall be collected in the same way.

Section 18. KRS 74.367 is amended to read as follows:

(1) At any time after the organization of a water district, and after approval by the public service commission in a proceeding similar to that provided by KRS 74.015, more than fifty per cent (50%) of the *qualified voters* [freeholders] within the district and a majority of the commissioners of the district may file a petition with the county court which had jurisdiction over the organization of the district requesting discontinuance of the water district. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall state the reasons for discontinuance and that all obligations of the district have been met and that approval of the public service commission has been obtained.

(2) After giving notice as provided in KRS chapter 424 the county court may conduct such hearings on the petition as may be necessary to assist in making a determination.

(3) If, after hearings on the petition for discontinuance of the district the county court determines that a discontinuance is in the best interest of the residents of the district, the water district shall be dissolved by order of the county court and a copy of the order shall be forwarded to the public service commission.

Section 19. KRS 74.400 is amended to read as follows:

(1) Any county court, except in counties containing a city of the first class, upon petition of seventy-five (75) *qualified voters* [resident freeholders] of a water district organized under the provisions of KRS 74.010,

may authorize said water district to acquire, develop, maintain, and operate a system for the distribution of gas to the citizens of the county. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall describe the territory intended to be included in the area to be served and shall set out the reasons a gas distribution system is needed.

(2) When the petition is filed, the court shall give notice of the filing by publication as provided in KRS chapter 424. Within thirty (30) days after the publication, any resident of the district may file objections, and the court shall set the case for hearing within ten (10) days. If the court finds the establishment of a gas distributing system by such district reasonably necessary for the public health, convenience, and comfort of the residents, it shall make an order authorizing the establishment or acquisition of the gas distributing system.

(3) The court may in its order strike off any part of the territory that the testimony shows will not be benefited by the creation of the distribution system. If the court does not find that the gas distribution system is necessary it shall dismiss the petition. Either party may appeal to the circuit court for a retrial, and from the circuit to the Court of Appeals, as provided by law.

Section 20. KRS 75.010 is amended to read as follows:

(1) A petition for the establishment of a fire protection district or a volunteer fire department district signed by at least fifty-one per cent (51%) of the *qualified* voters, as determined by the registration books covering the territory, and living within the boundary of the proposed fire protection district or volunteer fire department district may be filed in the circuit court clerk's office of the county in which the greater part of the territory is located, not less than twenty (20) days before the commencement of the next regular term of court, and in courts of continuous sessions not less than twenty (20) days before the first day of the next calendar month. The petition shall set out the metes and bounds of the proposed fire protection district or volunteer fire department district, the number of voters thereof, and other facts thought proper. *The petition shall comply with the provisions of Section 3 of this Act.* Notice of the filing of the petition and the object thereof shall be given by publication pursuant to KRS chapter 424, and by notices posted for at least ten (10) days before the commencement of the court, one (1) at the courthouse door, and three (3) others at public places within the bounds of the proposed fire protection district or volunteer fire department district. On the second day of the term, and in courts of continuous session on the day provided for in the notice, the court shall, if the proper notice has been given and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a fire protection district or a volunteer fire department district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed fire protection district or a volunteer fire department district, or any person owning property therein, and if defense, objection or remonstrance is made, the court shall hear and determine the same, and render a judgment establishing, or refusing to establish the fire protection district or volunteer fire department district as may seem proper. The pleadings and practice as herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. The appeal shall be advanced upon the docket.

(2) In no event shall any fire protection district or any volunteer fire department district include within its metes and bounds any territory at that time or thereafter included in any city of this commonwealth which maintains a "regular fire department," and which city has paid its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 21. KRS 75.020 is amended to read as follows:

(1) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department districts shall file a petition in the circuit court clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, not less than thirty (30) days before the next regular term of said court and in courts of continuous session not less than thirty (30) days before the first day of a succeeding calendar month, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in KRS 75.010. On the second day of the term, and in courts of continuous session on the day fixed in the notice, the court shall, if the proper notice has been given, and the publication made, and no written defense, objection or remonstrance is interposed enter a judgment annexing or striking off the territory described in the petition. Fifty-one per cent (51%) or more of the *qualified voters* [freeholders] of the territory sought to be annexed or stricken off may, at any time before the next regular term of said court, and courts of continuous session at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed said clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the court shall promptly set the case for a hearing. If upon such hearing, the court finds from the evidence that a failure to annex or strike off such

territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. The pleadings and practice herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. Such appeal shall be advanced upon the docket.

(2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on purchase price of fire fighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the court under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.

(3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, may assume the liability of such taxes as may be necessary to pay the proportional share of the indebtedness incurred while such territory was a part of said district.

Section 22. KRS 75.025 is amended to read as follows:

(1) The fiscal court of any county, upon petition of seventy-five (75) *qualified voters* [freeholders] of the proposed district, may establish a county fire protection district within the county for the purpose of protecting the property and citizens of the county who reside outside of any municipality wherein a fire department is maintained. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall describe the territory intended to be included in the district, and shall set out the reasons a county fire protection district is needed.

(2) When the petition is filed the court shall give notice of the filing by publication as provided in KRS chapter 424. Within thirty (30) days after the publication of notice, any resident of the proposed district may file objections, and the court shall set the case for hearing within ten (10) days. If the court finds that the establishment of such district is reasonably necessary for the public health, convenience, fire protection and comfort of the residents, it shall make an order establishing the district, and designating it by name or number.

(3) If the court does not find that the district is necessary, it shall dismiss the petition. Either party may thereupon appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals as provided by law.

(4) The county fire protection district shall possess all the rights and authority provided by KRS chapter 75.

Section 23. KRS 76.241 is amended to read as follows:

(1) The district may establish a construction subdistrict when twenty-five per cent (25%) or more of the *qualified voters* [freeholders of land] sought to be included in the construction subdistrict file their petition with the district. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall describe the territory intended to be included in the construction subdistrict and the sewer and drainage conditions and facilities existing in this territory. The territory of the construction subdistrict may be noncontiguous to other territory of the district. Tenants in common, joint tenants with or without right of survivorship, and tenants by the entireties shall be deemed one (1) freeholder or property owner.

(2) When the petition is filed with the district, said district shall give notice of the filing by publication pursuant to KRS chapter 424. Within thirty (30) days after the publication, any *qualified voter* [resident or freeholder] of the proposed construction subdistrict may file objections and the district shall set the case for hearing within thirty (30) days. If the district finds that the establishment of the construction subdistrict is reasonably necessary for the public health, convenience and comfort of the residents of the subdistrict, it shall make an order establishing the construction subdistrict and designating it by name and number.

(3) If the district finds that the construction subdistrict is not necessary, it may dismiss the petition. If the district finds that any part of the proposed territory will not be benefited, it may strike such part. If the district strikes a certain portion of the area, the signature of the *qualified voters* [freeholders] of that portion shall not be counted in determining whether the necessary twenty-five per cent (25%) have petitioned for the creation of the subdistrict. A copy of the order of the board establishing a construction subdistrict shall be published in accordance with KRS chapter 424.

(4) An order of the district rejecting or dismissing the petition shall be deemed a final order of the district appealable to the circuit court under the procedure set forth in KRS 76.247 within sixty (60) days. Appeals to the circuit court from the order establishing a construction subdistrict or striking or refusing to strike any territory from a construction subdistrict shall be made only as provided in KRS 76.247 and only after following the procedures required in KRS 76.247.

(5) In the event the owner or owners of all property or properties proposed to be included within the territorial boundaries of a construction subdistrict shall tender to the district their written request or requests that the district proceed immediately with the creation of a construction subdistrict, and the construction and installation therein of sewer facilities as provided in KRS 76.241 to 76.273, inclusive, and shall unqualifiedly waive all formalities and substantive rights contained in:

(a) KRS 76.241, concerning the affording of notice as to creation of a construction subdistrict, the time for filing objections to the creation thereof, and the time for appealing from an order establishing a construction subdistrict;

(b) KRS 76.243, concerning the affording of notice as to proposed assessments; and

(c) KRS 76.246, concerning the holding of a public hearing, and permitting litigation following the making and publication of an order concerning the construction plan in general.

(6) The district may thereupon make and publish an order creating such construction subdistrict, and its order as provided in KRS 76.246 (2), without further action being required, and may thereupon proceed to carry out said plan for improvements without further recourse to said identified statutory provisions and formalities; but in all such instances the written request or requests of the owner or owners of all properties proposed to be included within the territorial boundaries of such construction subdistrict shall be in recordable form and shall be recorded in the office of the clerk of the county court of the county wherein the properties are situated, and said clerk is authorized to record such instruments as in the case of mortgages and may charge and receive fees therefor as in the case of mortgages. Each resolution of the district, by which an improvement is undertaken according to this section, shall contain a recitation of the receiving of written requests and waivers from the owners of all properties included within the territorial boundaries of the construction subdistrict. In the event the district proceeds pursuant to KRS chapter 107, as authorized by KRS 76.251, the lien for which provision is made in KRS 107.160 shall attach upon publication of the resolution (equivalent to the "third ordinance") which authorizes issuance of improvement assessment bonds.

Section 24. KRS 76.244 is amended to read as follows:

(1) The report described in KRS 76.243 shall be made and filed within one (1) year of an order made under KRS 76.241 which establishes the construction subdistrict or the order made under KRS 76.241 shall be deemed to have been one (1) dismissing the petition and it shall be deemed to have been dismissed at the end of the one (1) year period.

(2) If, based on the report described in KRS 76.243, the board decides the proposed sewer or drainage construction, or both, is not technically and economically feasible, the board may make an order abolishing the construction subdistrict, which shall be published pursuant to KRS chapter 424 and which may be appealed in the manner described in KRS 76.247. If the board finds that such construction may be made feasible by deleting portions of the subdistrict area, it may delete such area or areas by amending the order made under KRS 76.241 (2); Provided, however, That at least twenty-five per cent (25%) of the *qualified voters* [ freeholders of land] included in the remaining area must have petitioned for the creation of the subdistrict. *The petition shall comply with the provisions of Section 3 of this Act.*

(3) If the board should determine that a proposed construction subdistrict sewer or drainage construction project, once found to be feasible, should no longer appear to be feasible, or should a change in circumstances make it appear that some alternative to a construction subdistrict represents a more desirable and feasible way of undertaking such sewer or drainage construction, then the board, in its sole discretion, may make an order abolishing the construction subdistrict, which order shall be published pursuant to KRS chapter 424 and which may be appealed in the manner described in KRS 76.247. In referring to KRS 76.247, this section is not intended to provide for de novo trial.

Section 25. KRS 76.278 is amended to read as follows:

(1) In order to establish a comprehensive sewage and sewage treatment system, or storm water and surface drainage system, or both within the sanitation tax district, the sanitation tax district through its board may levy an ad valorem tax upon the real property in the district, not exceeding limits designated by the constitution of the commonwealth. Provided, however, That notice stating the amount of the proposed tax and the area to be affected be published in a newspaper of bona fide circulation as provided in KRS 424.130. Provided, further, That no resolution of the board imposing an ad valorem tax shall go into effect until the expiration of thirty (30) days after the first publication of the notice. If during the thirty (30) days next following the first notice of said resolution, a petition signed by a number of [constitutionally] qualified voters equal to fifteen per cent (15%) of the votes cast within the area affected at the last preceding general election,

stating the residence of each signer, and verified as to signatures and residence by the affidavits of one or more persons is presented to the county court protesting against passage of such resolution or if the fiscal court passes a resolution suspending the tax, the resolution shall be suspended from going into effect. *The petition shall comply with the provisions of Section 3 of this Act.* The county judge shall notify the board of the sanitation tax district of the receipt of the petition or of the suspension of the resolution or both. If the resolution is not repealed by the board, the board shall submit to the voters of the area to be taxed, at a regularly scheduled election or at an election held for that purpose, the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the resolution shall not go into effect. If a majority of the votes cast upon the question favor its passage, the resolution shall go into effect as of January 1 of the year succeeding the year in which the election is held.

(2) When such tax levy has been fully approved, the property valuation administrator, with the cooperation of the board shall note on the tax rolls the taxpayers and valuation of the property subject to such tax. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the department of revenue.

(3) Such ad valorem taxes shall be collected by the sheriff in accordance with the general law and accounted for to the board. The sheriff shall be entitled to a fee of one per cent (1%) of the amount collected.

Section 26. KRS 76.300 is amended to read as follows:

The county court of any county in which a metropolitan sewer district has been established, upon petition of twenty-five per cent (25%) of the *qualified voters* [resident freeholders] therein may establish a sewer construction district for the purpose of providing sewers and/or drainage facilities to serve the district. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall describe the territory intended to be included in the district, and the sewer and drainage conditions and facilities existing in this territory.

Section 27. KRS 81.050 is amended to read as follows:

Proceedings to incorporate a city shall be commenced by a petition signed by at least two-thirds (2/3) of the *qualified* voters living within the boundary of the proposed city, or, in case of an incorporated taxing district having by charter a grant of municipal powers and exercising them, by its petition accompanied by request for such action signed by a majority of the *qualified* voters resident in the district. The petition must be filed in the circuit clerk's office of the county in which the greater part of the territory is located, not less than twenty (20) days before the commencement of the next regular term of court. *The petitions shall comply with the provisions of Section 3 of this Act.* Notice of the filing of the petition and of its object shall be given by publication pursuant to KRS chapter 424. The petition shall set out the metes and bounds of the proposed city, the number of the voters in it and such other facts as may be thought proper.

Section 28. KRS 83.670 is amended to read as follows:

Any city of the first class may adopt the city manager form of government in the manner set forth in KRS 89.410, except that the sense of the voters of any city of the first class shall be taken on the question of organizing and being governed under the city manager form of government, upon application to the county judge of the county in which the city is situated by written petition signed by a number of *qualified* [legal] voters of the city equal to twenty percent (20%) of the votes cast in the city in the last preceding general election. *The petition shall comply with the provisions of Section 3 of this Act.*

Section 29. KRS 83.680 is amended to read as follows:

Any city of the second class which is reclassified as a city of the first class shall retain the form of government which it had when it was a city of the second class unless a number of *qualified* [legal] voters of the city equal to twenty percent (20%) of the votes cast in the city in the last preceding general election apply to the county judge of the county in which the city is situated by written petition, in which case the sense of the voters of the city shall be taken on the question of organizing and being governed under the mayor-board of aldermen form of government. *The petition shall comply with the provisions of Section 3 of this Act.*

Section 30. KRS 88.020 is amended to read as follows:

(1) A majority of the *qualified* voters residing in a city of the sixth class may petition the circuit court of the county in which a greater part of the city is located asking that its charter be dissolved.

(2) The petition shall *comply with the provisions of Section 3 of this Act* [be signed by each petitioner], and filed in the office of the circuit court clerk not less than twenty (20) days before the commencement of the next regular term of court. The petitioners shall cause notice of the filing of the petition and the object thereof to be published pursuant to KRS chapter 424. The petition shall set out the metes and bounds of the city, the number of voters and inhabitants residing within the boundaries, and any other facts thought proper.

(3) Defense may be made to the petition by any *qualified* voter of the town, and if a defense is made the court shall hear and determine the same and may render judgment dissolving and annulling the charter. The pleadings and practice, except as herein provided shall be the same as in equity case; and appeal shall lie from the judgment as in other civil actions.

(4) Whenever the charter of any town is dissolved in the manner hereinabove provided, the judgment shall direct the clerk of the circuit court wherein such judgment is rendered, to certify a copy of said judgment not later than ten (10) days thereafter to the secretary of state whose duty it shall be to properly index and file the same as a permanent record in his office.

Section 31. KRS 89.030 is amended to read as follows:

(1) The sense of the voters of any city of the second, third or fourth class shall be taken on the question of organizing and being governed under the commission form of government, upon application to the county judge of the county in which the city is situated by written petition signed by a number of *qualified* [legal] voters of the city equal to twenty-five per cent (25%) in cities of the second and fourth classes, or twenty per cent (20%), in cities of the third class, of the votes cast in the city at the last preceding general election. *The petitions shall comply with the provisions of Section 3 of this Act.* The county judge shall receive the petition, and at the next regular term thereafter make an order in his book directing an election to be held in the city at the next regular election that is held not earlier than sixty (60) days, in cities of the second, third and fourth classes, nor later than ninety (90) days, in cities of the fourth class, after the application is lodged with the judge, except that in cities of the second class the election shall not be held in the same year that the mayor or police judge is elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city on the question of whether or not they are in favor of the organization and government of the city under the commission form of government.

(2) In cities of the second class the question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the city of .... under the commission form of government"?

(3) In cities of the third class the question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the city of .... under the commission form of government, under which the members of the board of commissioners shall each receive a salary of $.... per annum"?

(4) In cities of the fourth class the question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the city of .... under the commission form of government, under which the salary of the mayor for the first term shall be $.... per annum, the salary of the police judge for the first term shall be $.... per annum, and the salary of each commissioner for the first term shall be $.... per annum"?

(5) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county court, as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and also advertise the order by handbills posted in conspicuous places in the city, for the same length of time that publication is required. The sheriff or other officer shall have the advertisement published and notices posted within seven (7) days after he receives the order of the county court. The election shall be held by the regular election officers.

(6) The board authorized to canvass election returns shall certify the result of the election to the clerk of the county court and to the clerk of the city. At the next regular term of court the county judge shall cause the certificate to be spread on the order book of the court. The entry of the certificate in the order book, or copy thereof, shall be prima facie evidence of the facts therein contained. In cities of the second class the entry of the certificate in the order book, or copy thereof, shall be conclusive evidence of the election and its result.

(7) If a majority of the votes cast are in favor of organizing and governing the city under the commission form of government, the certificate of the canvassing board delivered to the city clerk shall be spread upon the records of the city at the next regular meeting of the city legislative body, and thereupon the city shall be organized and governed by the provisions of KRS 89.040 to 89.290.

(8) Failure on the part of any ministerial officer to perform the duties required of him by this section shall not prevent the organization and government of the city under the commission form of government.

Section 32. KRS 89.060 is amended to read as follows:

(1) In cities of the fourth class no person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the first Tuesday after the fourth Monday in May there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least fifty-five days before the day of the primary election, file with the county clerk a petition signed by at least twenty *qualified* voters. [, in the following form:

"We the undersigned, qualified voters of the city of .... and residing each at the place indicated opposite his name, do hereby request that the name of .... be placed on the voting machine and special ballot as that of an applicant for nomination for the office of .... at the primary election to be held in our city on the first Tuesday after the fourth Monday in May. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

Name Number

Street

........................................................................................................................................................

........................................................................................................................................................

........................................................................................................................................................"]

*The petition shall comply with the provisions of Section 2 of this Act.* No voter shall sign more than one petition with reference to each office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more than four applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing the petitions, the county clerk shall have published pursuant to KRS chapter 424, the names of the persons as they will appear upon the primary ballot labels and special ballots, and shall thereupon cause the primary ballot labels and special ballots to be printed.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are only two applicants for nomination for mayor or police judge, and only eight or less for commissioners. In that case such applicants shall thereupon be nominated and no primary election shall be held for nomination for those offices, but the county clerk shall have their names placed on the voting machine and special ballot for the general election.

(5) The names of the applicants for each nomination shall be placed on the voting machine and special ballots for the primary election by lot. Above the names of the applicants for nomination for mayor or police judge shall be printed the words "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words "Vote for four." No party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation shall be used.

(6) The persons who are qualified to vote at the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge shall be thereby nominated. The eight applicants receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(8) The expenses of the primary election shall be paid by the city, when only city offices are on the ballot. When the ballot includes offices other than city offices, the city shall bear its proportionate share of the cost of the election.

Section 33. KRS 89.240 is amended to read as follows:

If during the ten (10) days next following the passage of any ordinance that cannot become effective within ten (10) days after its passage, a petition signed by a number of *qualified* voters equal to at least twenty-five per cent (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor [, stating the residence of each signer, and verified as to signatures and residences by the affidavits of one or more persons,] is presented to the board of commissioners, protesting against the passage of the ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the board of commissioners. *The petition shall comply with the provisions of Section 3 of this Act.* If the ordinance is not then repealed, the board shall submit to the voters of the whole city, at a regular election, the following question: "Shall the ordinance (briefly describing it) go into effect"? If a majority of the votes cast upon the question is in the negative, the ordinance shall not go into effect. If a majority of the votes cast upon the question is in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

Section 34. KRS 89.250 is amended to read as follows:

(1) If a petition signed by a number of *qualified* voters equal to at least twenty-five per cent (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor [, stating the residence of each signer, and verified by the affidavits of one or more persons as to the signature and residence,] requesting the board of commissioners to pass an ordinance therein set forth, is presented to

the board of commissioners, and if the ordinance therein requested to be passed, is one (1) that the board has a legal right to pass, the board shall then either pass the proposed ordinance without alteration within ten (10) days after the petition is filed, or submit the question of its passage to the voters of the city at the next regular election. *The petition shall comply with the provisions of Section 3 of this Act.* At such election the question submitted shall be: "Shall the proposed ordinance (briefly describing it) be passed"? If the majority of the votes cast upon the question is in the affirmative, the ordinance shall be thereby passed, and shall become effective as soon as the result is officially ascertained and declared, and the ordinance shall not be amended or repealed except by the voters at a regular city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

(2) The board of commissioners may submit the question of the repeal or amendment of any such ordinance to the voters at any succeeding regular city election, and if a majority of the votes cast on the question is in favor of the repeal or amendment, the ordinance shall be thereby repealed or amended as the case may be.

Section 35. KRS 89.290 is amended to read as follows:

(1) Whenever the citizens of any city of the second, third or fourth class that has been organized and governed under the commission form of government for a period of not less than four (4) years desire that the organization and government of the city under the commission form of government shall terminate, they shall file with the county judge of the county in which the city is located a written petition signed by a number of the *qualified* [legal] voters of the city equal to thirty-three and one-third per cent (33 1/3%) of the votes cast in the city at the last preceding general election. *The petition shall comply with the provisions of Section 3 of this Act.* The county judge shall receive the petition, and at the next regular term thereafter make an order on his order book directing an election to be held in the city at the next regular election that will be held not earlier than sixty (60) days after the application is lodged with the judge, except that in cities of the second class the election shall not be held at the same time commissioners are elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question as to whether or not they are in favor of the abandonment of the commission form of government. The question to be submitted to the voters shall be: "Shall the city of .... abandon the commission form of government?"

(2) The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order of the county court as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and shall advertise the order by handbills posted in conspicuous places in the city for the same length of time that publication is required. The sheriff or other officer shall have the advertisements published and notices posted within seven (7) days after he receives the orders of the county court.

(3) The canvassing board shall certify the result of the election to the clerk of the county court and to the clerk of the city, and at the next regular term of court the county judge shall cause the certificate to be spread upon the order book of the court. The entry of the certificate on the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

(4) If a majority of the votes cast is in favor of the proposition so submitted, and the certificate of the canvassing board has been spread upon the order book of the county court, the certificate delivered to the city clerk shall be spread upon the records of the city, at the next regular meeting of the city council, and thereupon the city shall cease to be governed by the commission form of government, and shall thereafter be governed by the general city laws applicable to that class of city, except that in cities of the second class the commissioners theretofore elected shall continue in office and administer the government of the city until the expiration of the terms for which they were elected.

Section 36. KRS 89.300 is amended to read as follows:

(1) The county judge in the county in which is located a city of the fifth or sixth class proposing to take the sense of its voters upon the question of adopting the commission form of government shall, upon the application by written petition signed by a number of *qualified* [legal] voters of the city equal to twenty-five per cent (25%) of the votes cast in the city at the last preceding general election, receive the petition, and at the next regular term after that make an order in his book directing an election to be held in the city at the next regular election, and not earlier than sixty (60) days nor later than ninety (90) days after the application is lodged with the judge. *The petition shall comply with the provisions of Section 3 of this Act.* The order shall direct the sheriff of other officer of the county who may be appointed to hold the election, to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question of whether or not the citizens in the city are in favor of the organization and government of the city under KRS 89.300 to 89.380. The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of .... under the commission form of government"?

(2) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county court as it appears on the order book within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and also shall advertise the same by printed or written handbills, posted in conspicuous places in the city, for the same length of time that publication is required. The sheriff or other such officer shall have the advertisement and notices posted as required by this section within seven (7) days after he receives the order of the county court.

(3) If a majority of the legal votes cast at the election were given for or against the proposition submitted, the canvassing board shall certify that fact. The certificate shall be delivered to the county clerk and a copy of the certificate shall be delivered to the clerk of the city, and at the next regular term of the county court the county judge shall cause the certificate to be spread on the order book of the court. The entry of the certificate in the order book, or copy of it shall be prima facie evidence of the facts contained in it.

(4) When a majority of the votes cast are in favor of organizing and governing the city under KRS 89.300 to 89.380, that fact is certified, as provided in subsection (3), by the canvassing board of the county to the county clerk, a copy of the certificate is certified to the city clerk, and a copy of the certificate is spread upon the records of the county, and of the city at the next regular meeting of the city legislative body, the city shall be organized and governed by KRS 89.300 to 89.380.

Section 37. KRS 89.410 is amended to read as follows:

(1) The sense of the voters of the city shall be taken on the question of organizing and being governed under the city manager form of government, upon application to the county judge of the county in which the city is situated by written petition signed by a number of *qualified* [legal] voters of the city equal to twenty percent (20%) of the votes cast in the city at the last preceding election for mayor. The county judge shall receive the petition, and at the next regular term thereafter make an order on his order book directing an election to be held in the city at the next regular election that is held not earlier than sixty days after the application is lodged with the judge. *The petition shall comply with the provisions of Section 3 of this Act.* The order shall direct the sheriff or other officer of the county who may be appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city on the question as to whether or not they are in favor of the organization and government of the city under the city manager form of government.

(2) The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of .... under the city manager form of government"?

(3) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county court as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and shall also advertise the order by handbills, posted in at least three (3) places in the city for the same length of time that publication is required.

(4) The canvassing board shall certify the result of the election to the clerk of the county court and to the clerk or recorder of the city. At the next regular term of court the county judge shall cause the certificate to be spread on the order book of the court. The entry of the certificate in the order book, or a copy thereof, shall be prima facie evidence of the facts therein contained.

(5) If a majority of the votes cast is in favor of organizing and governing the city under the city manager form of government, the certificate of the canvassing board delivered to the city clerk or recorder shall be spread upon the records of the city at the next regular meeting of the city legislative body, and thereafter the city shall be organized and governed under the provisions of KRS 89.420 to 89.680.

Section 38. KRS 89.440 is amended to read as follows:

(1) No person shall be elected to the office of mayor, police judge or commissioner without first being nominated in the manner prescribed by this section. [On the first Tuesday after the fourth Monday in May there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.]

(2) Each applicant for nomination shall, at least fifty-five days before the day of the primary election, file with the county clerk a petition signed by at least one hundred (100) *qualified* voters, in a city of the first or second class, or by at least fifty (50) *qualified* voters in a city of the third or fourth class. [, in the following form:

"We the undersigned, qualified voters of the city of .... and residing each at the place indicated opposite his name, do hereby request that the name of .... be placed on the voting machine and special ballot as that of an applicant for nomination for the office of .... at the primary election to be held in our city on the first Tuesday after the fourth Monday in May. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of the office.

Name Number

Street

........................................................................................................................................................................................

........................................................................................................................................................................................

........................................................................................................................................................................................"]

No voters shall sign more than one (1) petition with reference to each office that is to be filled. *The petition shall comply with the provisions of Section 2 of this Act.* If any voter signs more than one (1) petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing petitions the county clerk shall have published as provided in KRS chapter 424, the names of the persons as they will appear upon the primary ballot labels and special ballots, and shall thereupon cause the primary ballot labels and special ballots to be printed.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two (2) applicants for nomination as mayor or police judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or police judge and the applicants for commissioner shall thereby be nominated, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be placed on the voting machine as provided in KRS 89.460. Above the names of the applicants for nomination for mayor or police judge shall be printed the words, "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words, "Vote for four," in a city of the second, third or fourth class. No party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation shall be used.

(6) The persons who are qualified to vote at the regular municipal election are qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election is applicable to challenges made at the primary election.

(7) The votes shall be counted as provided in the general election laws, and after being so counted the result shall be published as provided in KRS chapter 424.

(8) The two (2) applicants receiving the highest number of votes for nomination for mayor and the two (2) applicants receiving the highest number of votes for nomination for police judge shall be thereby nominated. The eight (8) applicants receiving the highest number of votes for nomination for commissioners are thereby nominated.

(9) The expenses of the primary election shall be paid by the city, when only city offices are on the ballot. When the ballot includes offices other than city offices, the city shall bear its proportionate share of the cost of the election.

Section 39. KRS 89.600 is amended to read as follows:

If during the ten (10) days next following the passage of any ordinance that cannot become effective within ten (10) days after its passage, a petition signed by a number of *qualified* voters equal to at least twenty-five per cent (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor [, stating the residence of each signer, and verified as to signatures and residence by the affidavits of one or more persons,] is presented to the board of commissioners, protesting against the passage of the ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the board of commissioners. *The petition shall comply with the provisions of Section 3 of this Act.* If the ordinance is not then repealed, the board shall submit to the voters of the whole city, at a regular election, the following question: "Shall the ordinance (briefly describing it) go into effect"? If a majority of the votes cast upon the question is in the negative, the ordinance shall not go into effect. If a majority of the votes cast upon the question is in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

Section 40. KRS 89.610 is amended to read as follows:

(1) If a petition signed by a number of *qualified* voters equal to at least twenty-five per cent (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor [, stating the residence of each signer, and verified by the affidavits of one or more persons as to the signatures and residences,] requesting the board of commissioners to pass an ordinance therein set forth, is presented to the board of commissioners, and if the ordinance therein requested to be passed is one (1) that the board has a legal right to pass, the board shall then either pass the proposed ordinance without alteration within ten (10) days after the petition is filed, or submit the question of its passage to the voters of the city at the next regular election. *The petition shall comply with the provisions of Section 3 of this Act.* At such

election the question submitted shall be: "Shall the proposed ordinance (briefly describing it) be passed"? If a majority of the votes cast upon the question is in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective as soon as the result is officially ascertained and declared, and the ordinance shall not be amended or repealed except by the voters at the regular election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

(2) The board of commissioners may submit the question of repeal or amendment of any such ordinance to the voters at any succeeding regular election, and if a majority of the votes cast on the question is in favor of the repeal or amendment, the ordinance shall be thereby repealed or amended as the case may be.

Section 41. KRS 89.680 is amended to read as follows:

(1) Whenever the citizens of any city that has been organized and governed under the city manager form of government for a period of not less than four (4) years desire that the organization and government of the city under the city manager form of government shall terminate, they shall file with the county judge of the county in which the city is located written petitions signed by a number of the *qualified* [legal] voters of the city equal to twenty-five per cent (25%) of the votes cast in the city at the last preceding general election. *The petition shall comply with the provisions of Section 3 of this Act.* The county judge shall receive the petitions, and at the next regular term thereafter make an order on his order book directing an election to be held in the city at the next regular election that will be held not earlier than sixty (60) days after the application is lodged with the judge, except that the election shall not be held at the same election at which commissioners are elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question as to whether or not they are in favor of the abandonment of the city manager form of government. The question to be submitted to the voters of a city of the first, second or fourth class shall be: "Shall the city of .... abandon the city manager form of government?" The same question shall be submitted to the voters of a city of the third class, unless the petition filed with the county judge prays that the city manager form of government be abandoned and the commission form of government adopted, in which case the question shall be: "Shall the city of .... abandon the city manager form of government and be organized and governed under the commission form of government?"

(2) The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order of the county court as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and shall advertise the order by handbills posted in conspicuous places in the city for the same length of time that publication is required. The sheriff or other officer shall have the advertisements published and notices posted within seven (7) days after he receives the orders of the county court.

(3) The canvassing board shall certify the result of the election to the clerk of the county court and to the clerk of the city, and at the next regular term of court the county judge shall cause the certificate to be spread upon the order book of the court. The entry of the certificate on the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

(4) If a majority of the votes cast is in favor of the proposition submitted, and the certificate of the canvassing board has been spread upon the order book of the county court, the certificate delivered to the city clerk shall be spread upon the records of the city at the next regular meeting of the board of commissioners, and the city shall, upon the expiration of the terms of the commissioners then in office, cease to be governed by the city manager form of government, and shall thereafter be governed by the general laws applicable to that class of city, unless the vote, in the case of a city of the third class, was in favor of adopting the commission form of government, in which case the city shall thereafter be governed by the laws relating to commission form of government in cities of the third class.

Section 42. KRS 94.283 is amended to read as follows:

(1) Before any city may acquire, maintain or operate any such garbage disposal system, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the system. If revenue bonds are to be issued to pay the cost the ordinances shall so provide. An election shall be had on the adoption of the ordinance if a number of *qualified* [legal] voters of the city equal to twenty-five per cent (25%) of the total number of votes cast in the city at the last regular election file a petition within ten (10) days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. *The petition shall comply with the provisions of Section 3 of this Act.* If the petition is filed the election shall be held at the next regular election held in the city. If no petition is filed, the city may proceed immediately with the acquisition of a garbage disposal system.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating a garbage disposal system in accordance with the estimate of cost adopted by the ....(here insert name of city) and the issuance of revenue bonds in the amount of $....(here

insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the system, based upon the estimate of cost)." Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object by publication pursuant to KRS chapter 424. All *qualified* [legal] voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate the system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, constructions, franchises and easements necessary for the construction of the system.

Section 43. KRS 96.360 is amended to read as follows:

(1) One or more waterworks, owned by one or more persons, may be acquired as a single enterprise, and the city legislative body may agree with the owner as to the value of the waterworks and purchase it at such value, after giving forty-five (45) days' notice by publishing the agreement of purchase, pursuant to KRS chapter 424, setting out the price, interest rate, condition of plant, possible depreciation and repairs.

(2) If, within the period of forty-five (45) days, a petition calling for an election on the proposition is filed with the county clerk of the county, signed by twenty-five per cent (25%) of the qualified voters of the city who voted at the last preceding regular election, [stating the residence of each signer and verified as to signatures and residence by the affidavits of one or more persons,] an election shall be held on the proposition. *The petition shall comply with the provisions of Section 3 of this Act.* Notice of the election, setting forth the price, terms of bonds, interest, general repairs and condition of plant and nature of the election, shall be given by publication pursuant to KRS chapter 424. The election shall be held at the next November election held more than forty-five (45) days after the time of the publication. The question to be submitted to the voters on the ballot at the election shall be: "Are you in favor of the city of .... purchasing .... at the price of ...."? The purchase shall not be consummated unless a majority of the qualified voters voting on the proposition vote in favor of the purchase.

Section 44. KRS 96.543 is amended to read as follows:

(1) Before any city may acquire, maintain or operate any such artificial gas system, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the system. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance if a number of *qualified* [legal] voters of the city equal to twenty-five per cent (25%) of the total number of votes cast in the city at the last regular election file a petition within ten (10) days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. *The petition shall comply with the provisions of Section 3 of this Act.* If the petition is filed the election shall be held at the next regular election held in the city. If no petition is filed, the city may proceed immediately with the acquisition of an artificial gas system.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating an artificial gas system in accordance with the estimate of cost adopted by the .... (here insert name of city) and the issuance of revenue bonds in the amount of $.... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the system, based upon the estimate of cost)." Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object by publication pursuant to KRS chapter 424. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate the system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, constructions, franchises and easements necessary for the construction of the system.

Section 45. KRS 97.610 is amended to read as follows:

(1) Cities of the second, third, fourth, fifth and sixth classes may levy an annual tax of not more than ten (10) mills on the assessed valuation of the city, for the purpose of providing a fund for the maintenance or employment of a band or orchestra.

(2) Before such tax may be levied a petition signed by five per cent (5%) of the *qualified* [legal] voters of the city, as shown by the last regular municipal election, must be filed with the city legislative body, requesting that the following question be submitted to the voters: "Shall a tax of not exceeding ten (10) mills be levied each year for the purpose of furnishing a fund for the maintenance or employment of a municipal

band or orchestra?" *The petition shall comply with the provisions of Section 3 of this Act.*

(3) When the petition is filed, the legislative body shall cause the question to be submitted to the voters at the first following general municipal election.

(4) The levy shall be authorized if a majority of the electors voting at the election cast ballots in favor of the proposition, and the legislative body may then enact an ordinance carrying the plan into effect.

Section 46. KRS 97.620 is amended to read as follows:

At any time not earlier than three (3) years thereafter, a similar petition may be presented to the legislative body asking that the following proposition be submitted: "Shall the power to levy a tax for the maintenance or employment of a band or orchestra be repealed?" *The petition shall comply with the provisions of Section 3 of this Act.* The submission shall be made at any general municipal election, and if a majority of the vote cast is in favor of the repeal, no further levy shall be made.

Section 47. KRS 104.480 is amended to read as follows:

(1) Before the secretary for natural and environmental protection shall establish a flood control district, a petition shall be filed with the secretary, signed by seventy per cent (70%) of *the qualified voters* [those in possession claiming as freeholders within the boundaries] of the proposed flood control district. *The petition shall comply with the provisions of Section 3 of this Act.*

(2) [In determining when seventy per cent (70%) of the landowners have signed the petition the secretary shall be bound by the names as they appear upon the county tax duplicate, which for all purposes of KRS 104.450 to 104.680 shall be prima facie evidence of such ownership. The secretary shall further require evidence to determine the fact that all signatures on the petition are genuine, and a notification by ordinary mail sent to the respective addresses shown on the petition shall establish the genuineness of a signature if the petitioner so notified fails to report in writing within ten (10) days that he did not sign the petition.] When authorized by ordinance, such a petition may be signed by a majority of the governing body of any municipality lying wholly or partly within the proposed district. [When so signed by a majority of such governing body the petition shall fill all requirements of representation on the part of the freeholders of the municipality as they appear upon the assessment roll of the municipality, and individuals within the municipality shall not sign the petition.]

Section 48. KRS 104.490 is amended to read as follows:

The petition shall contain:

(1) The proposed name of the district, which shall be "Flood Control District No. .... of .... County, (or counties), Kentucky."

(2) The necessity for maintaining and operating any flood control works of the district and that such maintenance and operation will be conducive to the public health, safety, comfort, convenience or welfare.

(3) *The petition shall comply with the provisions of Section 3 of this Act.* A general description of the flood control works to be maintained and operated and of the territory to be included in the proposed district. The description need not be given by metes and bounds or by legal subdivision, but it shall be sufficient if a reasonably accurate description is given of the territory to be organized as a district by showing the boundaries of such district on a map or by other means. The territory may include one or more political subdivisions or portions thereof, and, except as provided in KRS 104.450 to 104.680, shall not be included wholly within the limits of a single municipality. The territory need not be contiguous if it is so situated that the public health, safety, comfort, convenience or welfare will be promoted by its organization as a single district.

(4) A prayer for the organization of the district.

Section 49. KRS 104.520 is amended to read as follows:

(1) When the petition is filed with the commissioner, he shall investigate at once the boundary of the district proposed to be organized, and may, at the cost of the petitioners, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by the creation of the district in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the petitioners, but if the boundary established by the commissioner results in a material change from that proposed in the original petition the petitioners shall secure, in case of a larger or smaller area, the signatures of seventy per cent (70%) of the *qualified voters* [freeholders or owners] in the area as established by the commissioner.

(2) Should it be found desirable to include in a flood control district all or a portion of a city of the first, second or third class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the taxes levied for the benefits of the district in such area.

Section 50. KRS 104.530 is amended to read as follows:

When seventy per cent (70%) of *the qualified voters* [those qualified] within the boundary fixed by the commissioner are found to have petitioned for the establishment of a flood control district, and the commissioner has established the boundaries thereof, the commissioner shall give notice of the application for the creation of the district by publication pursuant to KRS chapter 424.

Section 51. KRS 108.050 is amended to read as follows:

(1) The question of the establishment of an urban services district shall be submitted to the voters of the district if a petition bearing the signatures of the number of *qualified* [registered] voters of the area to be embraced within the district equal to at least ten per cent (10%) of the vote cast for county judge in that district at the last election is filed with the county court. *The petition shall comply with the provisions of Section 3 of this Act.* After June 18, 1964, the county court shall not receive or consider a petition for the creation of a district which would contain less than ten (10) square miles of area. The election on creation of the district shall be held at the next regular election if the petition is filed at least ninety (90) days prior to the date for the regular election. The petition shall state that establishment of the district is being sought pursuant to this chapter, shall state the official name by which the district shall be known, and shall prescribe the territory intended to be included in the district.

(2) If the county court finds the petition is in proper order and the creation of the district will be in accordance with this chapter, a certified copy of the order of the county court directing that the question be submitted to a vote shall be filed with the county court clerk at least forty-five (45) days prior to the next regular election. The county court clerk shall give notice of the petition by publication pursuant to KRS chapter 424. The county court clerk shall cause the question to be submitted to a vote at the election. The question shall be in the following form: "Are you in favor of establishing .... (name of district) as an urban services district"? If a majority of those voting on the question vote in the affirmative, the district shall be established. The cost of the election shall be paid by the fiscal court.

(3) The governor shall, immediately upon certification that the district has been established, appoint five (5) qualified persons as members of the council.

Section 52. KRS 108.070 is amended to read as follows:

(1) The area of a city or of another district may be added to the area of an urban services district by an agreement between the district council and the legislative body of the city or governing board of another district. Territory in an unincorporated area may be added to the urban services district upon approval by the council and the county court when a petition signed by fifty-one per cent (51%) of the *qualified* [registered] voters of that territory is filed in the county court. *The petition shall comply with Section 3 of this Act.*

(2) An urban services district may include territory in two or more counties. In the organization, conduct of elections and expansion of such districts, the county court and the county court clerk of each county shall perform the duties provided for by this chapter in relationship to the territory and voters of the district within that county.

Section 53. KRS 108.100 is amended to read as follows:

Districts shall be organized in the following manner:

(1) Upon the filing of a certified petition of one hundred (100) or more qualified voters in each county to be included within the territorial limits of the proposed district or upon the determination of each fiscal court in the proposed district that the establishment of a district is in the best interests of the inhabitants of the county, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether an emergency ambulance service district should be established for the area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed ten cents (10¢) on each one hundred dollars ($100) of the assessed valuation of all property in the district. *The petition shall comply with the provisions of Section 3 of this Act.* A certified copy of the resolution of the fiscal court shall be filed with the county court clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed on the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of establishing an emergency ambulance service district for (insert names of counties) which shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) emergency ambulance service district?"

(3) If a majority of those voting in each county on the question favor the establishment of an emergency ambulance service district it shall be so established and shall constitute and be a taxing district within the meaning of Section 157 of the constitution of Kentucky. The cost of the election shall be paid by the fiscal court.

(4) All special ad valorem taxes authorized by KRS 108.080 to 108.180 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board of directors as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes. The sheriff shall be entitled to a fee of one per cent (1%) of the amount of the tax collected by him.

Section 54. KRS 108.160 is amended to read as follows:

Single county districts may be dissolved in the following manner:

(1) Upon the filing of a certified petition of one hundred (100) or more qualified voters in the district or upon the determination of the fiscal court that the abolishment of the district is in the best interest of the inhabitants of the county, the fiscal court shall adopt a resolution submitting to the qualified voters of the county as to whether the district should be dissolved and the imposition of the special ad valorem tax discontinued. *The petition shall comply with the provisions of Section 3 of this Act.* A certified copy of the resolution of the fiscal court shall be filed with the county court clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed on the ballot.

(2) The question on the ballot shall be in substantially the following form: "Are you in favor of dissolving the emergency ambulance service district for (insert name of county) and discontinuing the special ad valorem tax that is imposed for the maintenance and operation of the district?"

(3) If a majority of those voting on the question favor dissolving the district and discontinuing the imposition of the special ad valorem tax the county court clerk shall remove the levy of the special ad valorem tax from the tax bills of the property owners of the district and the district shall be dissolved by order of the fiscal court.

(4) A resolution for the dissolution of the district shall not be considered to have any legal effect if contractual obligations assumed prior to the time of the passage of the resolution by the board have not been met.

Section 55. KRS 108A.120 ia amended to read as follows:

Additional territory may be added to a new community district in the following manner:

(1) Territory in an unincorporated area shall be added to a new community district upon approval of the board of commissioners of the district and the county court in which any portion of the additional territory is located when a petition signed by 51 per cent of the registered voters in the territory is filed in the county court in which the greater portion of said territory is located. *The petition shall comply with the provisions of Section 3 of this Act.*

(2) Territory of an incorporated city or other district may be added to a new community district by agreement between the legislative body of the city or governing board of the district and the board of commissioners of the new community district.

Section 56. KRS 109.095 is amended to read as follows:

(1) At any time after the organization of a district more than 50 per cent of the *qualified voters* [ freeholders] within the district and a majority of the directors of the district may file a petition with the county court which had jurisdiction over the organization of the district requesting discontinuance of the district. The petition shall state the reasons for discontinuance and that all obligations of the district have been met. *The petition shall comply with the provisions of Section 3 of this Act.*

(2) After giving notice as provided in KRS chapter 424, the county court may conduct such hearings on the petition as may be necessary to assist in making a determination.

(3) If, after hearings on the petition for discontinuance of the district, the county court determines that a discontinuance is in the best interest of the residents of the district, the garbage district shall be dissolved by order of the county court.

Section 57. KRS 118.315 is amended to read as follows:

(1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him, complying with the provision of subsection (2) of this section.

(2) A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain one thousand (1,000) petitioners; for a representative in congress from any congressional district, or for any officer from any other district except as herein provided, four hundred (400) petitioners; for a county officer or member of the general assembly, one hundred (100) petitioners; for a soil and water conservation district supervisor, twenty-five (25) petitioners; for an officer of a precinct or ward, or other division less than a county except as herein provided, twenty (20) petitioners. The signatures of the petition need not be appended to one (1) paper. No petitioner shall be counted unless his residence and post-office address are designated. If any person joins in nominating, by petition, more than one (1) nominee for any office to be filled, he shall be counted as a petitioner for the candidate whose petition is filed first, except

a petitioner for the nomination of candidates for soil and water conservation district supervisors may be counted for every petition to which his signature is affixed. *The petition shall comply with the provisions of Section 2 of this Act.* [The petition shall state the name and residence of each of the candidates, the name of the office for which he is running, the district, if applicable, from which he is running, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate.] The petition shall designate a brief name or title of the party or principle that the candidate represents, together with any simple figure or device by which it is desired that he be designated on the voting machines.

[(3) The state board of elections shall prescribe the forms for the petition.]

Section 58. KRS 118.590 is amended to read as follows:

(1) Any person seeking the endorsement by a political party for the office of president of the United States who has not been nominated by the state board of elections, or any group organized in this state on behalf of, and with the consent of, such person, may file with the secretary of state certified petitions signed by 1,000 persons who, at the time they sign are registered and qualified voters in this commonwealth and are affiliated, by such registration, with the same political party as the candidate for whom petitions are filed.

(2) Such petitions shall be filed by the petitioners with the secretary of state no later than forty-five (45) days before the date fixed by law for the holding of the primary election.

(3) *The petitions shall comply with the provision of Section 2 of this Act.* [The petitions must state:

(a) The name of the candidate for nomination and the party of which he is a member;

(b) The name and address of the chairman of the group circulating such petition.]

(4) The secretary of state shall forthwith determine the sufficiency of petitions filed with him and shall immediately communicate his determination to the chairman of the group which has filed said petitions.

Section 59. KRS 132.100 is amended to read as follows:

Whenever the general assembly shall enact any act pursuant to section 171 of the constitution as amended, classifying property and providing a lower rate of taxation on personal property than upon real property, the provisions of the act shall be subject to a referendum upon the written petition of qualified voters equal in number to five per cent (5%) of the votes cast in the state for the candidates for governor at the last preceding regular election. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall be filed with the secretary of state not more than four (4) months after the final adjournment of the general assembly that passed the act on which the referendum is demanded, and shall specify the act or the item, section or part of the act on which the referendum is demanded. Each sheet of the petition shall contain the names of legal voters in but one (1) voting precinct, and shall state the county and precinct. [Each voter shall write his post office address opposite his name, and, in cities of the first, second or third class, his street address.]

Section 60. KRS 132.110 is amended to read as follows:

(1) Within five (5) days after the filing of the petition for referendum, the secretary of state shall transmit to the county court of each county in which petitioners reside the sheets containing the names of the petitioners of that county. [The county judge shall thereupon set a date not less than ten (10) nor more than fifteen (15) days thereafter when interested persons may appear and present proof as to the genuineness of signatures and the qualification of petitioners. After hearing proof,] *The* [the] county judge shall determine the number of *qualified* [legal] voters of his county who have signed the petition, cause the same to be entered upon the order book and certify it to the secretary of state.

(2) Within thirty (30) days after receiving from the county courts certification that a number of *qualified* [legal] voters constituting in the aggregate five per cent (5%) of the vote of the entire state have signed a petition for referendum, the secretary of state shall cause the proposed act or the parts thereof affected and the fact that the act will be submitted to the voters for their acceptance or rejection at the next general election to be published pursuant to KRS Chapter 424.

Section 61. KRS 160.045 is amended to read as follows:

(1) If seventy-five per cent (75%) of either the *qualified* [registered] voters or property owners in an area adjacent to either a county or independent school district petition the respective school boards for a transfer of said property to the school board district other than that in which it is located or if either board initiates such action, the school boards may effect such transfer by agreement, duly spread upon the minutes of their respective boards. *The petition shall comply with the provisions of Section 3 of this Act.*

(2) In the event that the boards fail to agree within ninety (90) days from the filing of petitions for such a transfer, either board may petition the superintendent of public instruction for approval or disapproval of the transfer of the property involved. In his consideration for giving approval or disapproval, he shall be governed by any policies and rules and regulations of the state board of education which may be affected by the transfer of the property and shall give due consideration to the following: the ratio of the wealth of the territory

involved in its relation to the total wealth of the district from which the territory will be annexed; the effect of the proposed territorial loss or gain on the educational programs of the respective districts; extent of and effect on the physical plant, facilities and equipment available in each of the affected districts; the indebtedness and bonded or rental obligations of the respective districts; any contemplated indebtedness or obligation arising out of the proposed transfer; and such other factors as may have a bearing upon the determination of the desirability of the proposed annexation from the vantage point of all interested persons.

(3) In those instances where the requested transfer will result in a surplus of physical plant, facilities or equipment in the transferring school district, the superintendent of public instruction shall determine an equitable plan for the transfer of any such surplus to the annexing district as his plan may determine will be needed. His plan shall be based on the fair value of such property on a replacement basis, taking into consideration its age and condition. In any considerations and suggestions which he may propose for the settlement of the differences between the boards of education, he shall be bound by any agreements outstanding between the boards of education of the school districts upon the effective date of this law.

(4) In the event the superintendent of public instruction is unable to arrive at a satisfactory agreement with the two (2) boards of education concerning the transfer of the involved property within one hundred twenty (120) days from the time it is presented to him, either board may request that he bring the matter on for hearing before the state board of education at its next regularly scheduled meeting. In that event, he shall file with the state board of education all the facts which he has gathered, the recommendation he has made, and the basis for his recommendation, for their consideration.

(5) Within at least ten (10) days before the holding of any hearing provided for in subsection two (2) or subsection four (4) of KRS 160.045, the superintendent of public instruction shall serve written notice thereof, by registered mail or by certified mail, return receipt requested, on the respective boards fixing the time and place at which the hearing shall be conducted. All hearings provided for herein shall be open to the public, and any interested person may appear and be heard in accordance with such rules and regulations as the state board of education may prescribe with reference thereto.

Section 62. KRS 160.048 is amended to read as follows:

(1) The General Assembly hereby finds that from time to time various school boards, in the exercise of their administrative discretion, have determined that their school districts would be most efficiently administered if one or more of the district's schools were constructed and operated on land located outside the school districts' boundaries. The General Assembly further finds that this has been desirable and in furtherance of an efficient system of common schools. As urbanization increases, and school districts throughout the commonwealth become more densely populated, available school sites within such districts will proportionately diminish, and it will with increasing frequency be necessary to construct schools on land not within the district of the school board constructing such schools. When a school is so located, it is more efficient for the school district constructing the school, but it is less efficient for the state-wide system of common schools and for the children residing in the immediate neighborhood of the new school, who reside in a different school district, and therefore must be transported to other, more distant schools. This situation results in an inefficient utilization of state and local school funds and school facilities, and is a result of the artifically drawn school district boundary lines. The General Assembly further finds that the discretionary method of transfer presently provided by KRS 160.045 is not adequate to assure an efficient operation of the common schools, and that it is desirable to provide for mandatory transfer of such areas. Pursuant to Section 183 of the Kentucky Constitution, the General Assembly declares that such situations are special situations and require special treatment. It is the intent of the General Assembly to provide by this statute a special method whereby such areas may be transferred to the school district operating the school or schools.

(2) If seventy-five percent of either the *qualified* [registered] voters or property owners in an area adjacent to a school district other than the district in which such area is located and in which area there is located a school owned and operated by such adjacent school district, petition the school board of the school district which owns and operates such school and the school board of the school district in which such area is located for the transfer of such area from the school district in which it is located to the school district which owns and operates such school, then such area shall be so transferred. *The petition shall comply with the provisions of Section 3 of this Act.*

(3) The effective date of such transfer shall be 60 days after the date on which the petition is filed with the two school boards; personal delivery of said petition to any member of the school board or to the superintendent of the school district shall constitute "filing" for purposes of this section. Provided, That if such effective date falls during a term of the school district in which such area is located, the two school boards involved may, by agreement, defer the effective date of such transfer until the end of said term.

(4) The terms and conditions of such transfer shall be determined in the manner provided for the determination of the terms and conditions of transfer under KRS 160.045, except that the State Superintendent of Public Instruction, the State Board of Education and the respective reviewing courts shall have no power to disapprove such transfer.

(5) Upon such transfer, the recipient district shall assume a portion of the bonded indebtedness of the losing district, as provided in KRS 160.065; such bonds shall remain the obligation of the issuing agency, and shall not be affected in any way by such transfer, except that each year the recipient district shall pay to the losing district a sum of money sufficient to make the payments on the portion of such indebtedness assumed by the recipient district, and such annual payments shall continue until all of the bonded indebtedness outstanding at the time of the transfer is paid in full.

(6) The method of transfer provided in this section shall be an alternative method to that set forth in KRS 160.045, and this section shall have no effect whatsoever on KRS 160.045.

Section 63. KRS 160.049 is amended to read as follows:

(1) The provisions of this section shall govern the transfer of adjacent areas from one school district to another school district in counties containing a city of the first class.

(2) (a) Twenty-five per cent (25%) of the *qualified* [registered] voters in all precincts encompassing a contiguous area of one or more precincts adjacent to either a county or independent school district may petition for transfer of such area to the school district other than that in which it is located. *The petition shall comply with the provisions of Section 3 of this Act.*

(b) The petition shall be filed with the fiscal court which shall determine whether the petition contains enough signatures of qualified voters to submit the question to the voters of the area affected. The board or boards of registration in the county shall give necessary and appropriate aid to the fiscal court so that the latter body may make the conclusive determination of whether the petition is valid.

(c) If the petition is valid, the fiscal court shall submit to the voters of all the precincts encompassing the area at the next regular general election the question of whether such transfer shall be effected; provided that where such petition is filed within sixty (60) days of such regular election, the referendum shall be held at the next regular general election thereafter. The question shall be so framed that the voter may by his vote answer, "for" or "against."

(d) If a majority of the votes cast upon the question favor its passage, the area shall be transferred to the other school district.

(e) The question of transfer of such an adjacent area may be resubmitted in the same manner as an initial submission under this section, but it shall not be resubmitted to any voter unless new evidence warranting the presentation of the question is submitted to and approved by the circuit court, but in no case shall the question be resubmitted within a period of ten (10) years following the effective date of any transfer.

(3) The respective boards of education shall have a period of ninety (90) days after certification of the results of an election approving transfer of the area in which to negotiate the terms of such transfer. If said boards fail to come to an agreement, then either board or any resident voter within the area may bring suit in the circuit court of the county in which such area is located to have such transfer effected. Immediately upon filing of the suit, the court shall refer the matter to the superintendent of public instruction, who shall study the matter fully, giving consideration to all points covered by paragraphs (a) to (h) of this subsection. Within sixty (60) days he shall file a written report of his findings, conclusions and recommendations with the clerk of the court in which the action is pending. The report of the superintendent of public instruction shall be advisory only and not binding upon the circuit court. The court costs of such litigation shall be paid equally by the two (2) school board districts. The circuit court shall decide upon equitable terms for such transfer and in its consideration shall be governed by any policies and rules and regulations of the state board of education which be affected by the transfer of the area and shall give due consideration to the following:

(a) The ratio of the wealth of the territory involved in its relation to the total wealth of the transferor district;

(b) The effect of the territorial loss or gain on the educational programs of the respective districts;

(c) Extent of and effect of the physical plant facilities and equipment available in each of the respective districts;

(d) The indebtedness in bonded or rental obligations of the respective districts;

(e) Any contemplated indebtedness or obligations arising out of the transfers;

(f) Such other factors as may have a bearing upon the determination of the desirability of the proposed transfer from the vantage point of all interested persons;

(g) The replacement value of any school buildings or other educational facilities in such area and owned by the transferor school board district;

(h) If, at the time of such transfer, the transferor school board district has outstanding any bonded indebtedness incurred for school buildings and grounds, the recipient school district shall assume an allocable share of payments on said indebtedness in the proportion the assessed valuation of the property taxable for school purposes transferred bears to the total assessed valuation of property taxable for school purposes in the transferor district.

(4) If the circuit court reaches the decision that there are no equitable terms of transfer under this section, the court shall so find and direct that the transfer not be effected.

Section 64. KRS 160.210 is amended to read as follows:

(1) In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.

(2) The board of education of each county school district shall, not later than July 1, 1940, divide its district into five (5) divisions as nearly equal in population and containing integral voting precincts insofar as is practicable. In first dividing the county district into divisions the board shall, if more than one (1) of its members reside in one (1) division, determine by lot which member from that division shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall be nominated and elected as provided in KRS 160.200, 160.220 to 160.250.

(3) No change shall be made in the boundary lines of the present division of the county school district until January 1, 1959, except in case of merger of districts or change in territory due to annexation. Any changes made in division boundary lines shall be such as will make divisions as nearly equal in population and containing integral voting precincts insofar as is practical. No change may be made in division boundary lines more frequently than five (5) years after the last change in any division lines, except in case of merger of districts a change in territory due to annexation. In counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished, there shall be seven (7) divisions. To be eligible to be elected from a division, a candidate must reside in that division. The divisions, based upon 1970 United States Census Bureau Reports on total population by census tracts for Jefferson County, Kentucky shall be as follows: Division One shall include census tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84, 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106, 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118, 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01, 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS 160.044 not withstanding, shall be four years and the election for the initial four year terms shall be as follows: The election of the members from Divisions Two, Four and Seven shall be held at the next regular November election following the effective date of the merger pursuant to KRS 160.041, and the election of the members from Divisions One, Three, Five and Six shall be held at the regular November election two (2) years thereafter. A record of all changes in division lines shall be kept in the office of the county board of education, and shall be published pursuant to KRS chapter 424. A copy of the newspaper in which the notice is published shall be filed with the superintendent of public instruction within ten (10) days following its publication. No change shall be made in the boundary of any division after January 1 prior to the date on which a member of the school board is to be elected from any division.

(4) (a) Notwithstanding the provisions of subsection (3) of this section, if one hundred (100) *qualified voters* [residents] of a county school district division petition the state board of education stating that the school district divisions are not divided as nearly equal in population as can reasonably be expected, the superintendent of public instruction shall cause an investigation to determine the validity of the petition, said investigation to be completed within thirty (30) days after receipt of the petition. *The petition shall comply with the provisions of Section 3 of this Act.*

(b) If the investigation reveals the school district to be unequally divided according to population, the state board of education, upon the recommendation of the superintendent of public instruction, shall order the local board of education to make such changes in school district divisions as are necessary to equalize population within the five (5) school divisions.

(c) If any board fails to comply with the order of the state board of education within thirty (30) days or prior to August 1 in any year in which any members of the board are to be elected, members shall be elected from the district at large until the order of the state board of education has been complied with.

(d) No change shall be made in the boundary of any division under the provisions of this subsection after August 1 in the year in which a member of the school board is to be elected from any division.

Section 65. KRS 160.485 is amended to read as follows:

(1) The imposition of license fees authorized hereby shall be by order or resolution of the fiscal court. There shall be no more than one (1) such order or resolution passed in any (1) one calendar year. In the case of license fees required to be imposed pursuant to subsection (2) of KRS 160.484 the fiscal court shall make the order or resolution within ten (10) days following receipt of the first request which makes subsection (2) of KRS 160.484 effective.

(2) The order or resolution of the fiscal court imposing license fees pursuant to subsections (1), (2), or (4) of KRS 160.484 shall go into effect thirty (30) days after its passage. If during the thirty (30) days next following the passage of the order or resolution a petition signed by a number of [registered and] qualified

voters equal to fifteen per cent (15%) of the votes cast in the county for the office receiving the greatest total vote at the last preceding presidential election is presented to the fiscal court protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect until after the election referred to in subsection (3) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. *The petition shall comply with the provisions of Section 3 of this Act.* [Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 117.630 or subsection (2) of KRS 117.720, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition.] The board or boards of registration in the county shall give necessary and appropriate aid to the fiscal court so that the latter body may make the initial, but not conclusive, determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(3) Thereupon the fiscal court shall submit to the voters of the county at the next regular election or called common school district election, either of which to be held not less than sixty (60) days from the date of passage of said order or resolution, the question as to whether such license fees for common school purposes shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order or resolution shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order or resolution shall go into effect.

(4) License fees imposed pursuant to KRS 160.482 to 160.488 shall become applicable upon the date specified in the order or resolution, but in no event later than the first day of the calendar year first beginning after the day upon which the said order or resolution is made.

Section 66. KRS 160.597 is amended to read as follows:

Any order or resolution of a fiscal court levying a school tax authorized by KRS 160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648 may be recalled as follows:

(1) The order or resolution of the fiscal court levying any of the school taxes designated heretofore in this section shall go into effect not less than thirty (30) days nor more than ninety (90) days after its passage by the fiscal court. If during the thirty (30) days immediately following the passage of the order or resolution a petition signed by a number of [registered and] qualified voters equal to fifteen per cent (15%) of the votes cast in the school district requesting the tax levy for the office receiving the greatest total vote at the last preceding presidential election is presented to the fiscal court protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect for that district until after the election provided for in subsection (2) of this section. In the event that more than one (1) school district within a county has requested the tax levy, a separate petition meeting the requirements herein must be filed for each school district. The fifteen per cent (15%) requirement must be met in each respective participating school district. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, number or designation of the district or ward wherein the precinct is situated. *The petition shall comply with the provisions of Section 3 of this Act.* [Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 117.630 or subsection (2) of KRS 117.720, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition.] The board or boards of registration in the county shall provide necessary and appropriate aid to the fiscal court so that the latter body may make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(2) Thereupon, the fiscal court shall submit to the voters of the school district in which a valid recall petition has been filed pursuant to subsection (1) of this section at the next regular November election the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast in a district upon the question oppose its passage, the order or resolution shall not go into effect in that district. If a majority of the votes cast in a district upon the question favor its passage, the order or resolution shall go into effect in that district. In the event that the election is to be held in more than one (1) school district within a county the votes shall be counted separately.

(3) In the event that the order or resolution includes more than one (1) school district within a county and a valid recall petition has not been filed as required by this section against one (1) or more of these school districts, the levy may be made in that school district or districts without regard to any recall petition pending or voted thereon in another school district within the county.

Section 67. KRS 160.609 is amended to read as follows:

Any order or resolution of a fiscal court in a county containing a city of the first class levying either or both of the taxes authorized by KRS 160.613 to 160.617 and 160.621 to 160.633 under KRS 160.608 may be recalled as provided in subsections (2) and (3) of KRS 160.485, provided that the petition for recall shall be effective upon the signature of a number of [registered and] qualified voters as described therein equal to five per cent (5%) instead of the percentage provided therein. *The petition shall comply with the provisions of Section 3 of this Act.*

Section 68. KRS 173.310 is amended to read as follows:

Any governmental unit may provide library service for its inhabitants according to any one of the following methods:

(1) The legislative body on its own initiative may establish an independent library.

(2) Upon receipt of a petition signed by a number of *qualified voters* [taxpayers] equal to five per cent (5%) of the number of votes cast for officers in the last general election of such governmental unit, the legislative body shall submit the question to a vote at the next general election. *The petition shall comply with the provisions of Section 3 of this Act.* If a majority of those voting on the question vote in favor of the proposition, the legislative body shall forthwith establish a library, except as provided in subsection (4) of this section.

(3) The legislative bodies of two (2) or more adjacent counties may on their own initiative, or upon a petition and vote in each county as provided in subsection (2) above, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the aggregate assessed valuation of the property assessable for local taxation in such counties is a minimum of $10,000,000, and subject to the provisions of KRS 173.320.

(4) The legislative body of any governmental unit may on its own initiative contract to receive service from an existing nearby library, the library of a nearby institution of higher learning, the state department of libraries, or from a nearby library not owned by a governmental unit but which provides free service, each of these having reciprocal power to render the service. In the event of a petition and vote as provided by subsection (2), a legislative body shall have the privilege of providing library service by contract in lieu of establishing an independent library.

When any one (1) of the above methods has been complied with, the legislative bodies of the governing units shall at once make the necessary appropriation or levy to establish and maintain such library service annually and perpetually.

Section 69. KRS 173.470 is amended to read as follows:

Districts shall be organized in the following manner:

(1) Upon the filing of a duly certified petition of one hundred (100) or more [duly] qualified voters in each county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether a public library district should be established for the area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed twenty cents (20¢) on each one hundred dollars ($100) of the assessed valuation of all property in the district. *The petition shall comply with the provisions of Section 3 of this Act.* A certified copy of the order of the fiscal court shall be filed with the county court clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of establishing a public library district for (insert names of counties) which shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) public library district?"

(3) If a majority of those voting in each county on the question favor the establishment of a public library district it shall be so established and shall constitute and be a taxing district within the meaning of section 157 of the constitution of Kentucky.

(4) All special ad valorem taxes authorized by KRS 173.450 to 173.650 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 70. KRS 173.620 is amended to read as follows:

Counties outside of any existing district, and contiguous thereto, may be annexed to the district in the following manner:

(1) Upon filing with the fiscal court of a duly certified petition of one hundred (100) or more qualified voters residing within each county proposed to be annexed, the fiscal court of each county in the district and each county proposed to be annexed shall adopt a resolution submitting to the qualified voters of the county

the question as to whether the territory should be annexed. *The petition shall comply with the provisions of Section 3 of this Act.* A certified copy of the order of the fiscal court shall be filed with the county clerk at least sixty (60) days prior to the next general election and thereupon the county clerk shall cause the question to be placed upon the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of annexing the following described territory (here describe the territory) to the (name district) public library district?"

(3) If the majority of those voting in each county on the question favor the annexation of the territory it shall be so annexed.

Section 71. KRS 173.720 is amended to read as follows:

Districts shall be organized in the following manner:

(1) Upon the filing of a duly certified petition of fifty-one per cent (51%) or more of the number of duly qualified voters who voted in the last general election in each county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution ordering the levy of a tax of not more than twenty cents (20¢) on each one hundred dollars ($100) worth of property assessed for local taxation. *The petition shall comply with the provisions of Section 3 of this Act.* Such petition shall be filed with the fiscal court in each county in the proposed district not later than ninety (90) days after the date of the first signature on the petition. A certified copy of the order of the fiscal court shall be filed within thirty (30) days with the county court clerk who will add the levy to the next annual tax bill of the county or counties concerned.

(2) The petition shall be in substantially the following form:

The following duly qualified voters of (insert name of county or counties) hereby petition the fiscal court of each county concerned to establish a public library district for (insert name of county or counties) which shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) public library district.

[(3) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.]

*(3)* [(4)] All special ad valorem taxes authorized by KRS 173.710 to 173.800 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 72. KRS 173.790 is amended to read as follows:

(1) The special ad valorem tax rate for the maintenance and operation of a public library district provided for by KRS 173.710 to 173.800 shall not be increased or decreased unless a duly certified petition requesting an increase or decrease in the tax rate of a specifically stated amount is signed by 51 percent of the number of duly qualified voters voting at the last general election in each county in the district. *The petition shall comply with the provisions of Section 3 of this Act.* Such petition shall be filed with the fiscal court in each county in the district not later than ninety days after the date of the first signature. The fiscal court shall order the court to increase or decrease the ad valorem tax, as stated in the petition.

[(a)] The petition shall read, "The following duly qualified voters of (insert name of county or counties) hereby petition the fiscal court of each county concerned to increase (or decrease) the special ad valorem tax from (insert exact amount) to (insert exact amount) on each $100 worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) public library district."

[(b) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.]

(2) Any increase provided for in subsection (1) of this section shall not exceed twenty cents on each $100 of the assessed valuation of all property in the district.

(3) A petition requesting a decrease in the tax rate will not be considered of any legal effect if, at any time prior to the filing of such a petition for decrease, either:

(a) Contractual obligations have been assumed by pertinent contracting authorities in connection with said subject library, which contractual obligations would be adversely affected by any such decrease; or

(b) If, as of the time of filing of such a petition for decrease, the board of such district shall have arranged for the financing of a library in that district pursuant to a plan of financing involving a lease of that library to the board under which lease the board is not bound for more than one year at a time without exercising an annual option to renew the lease and such lease remains effective and has not been terminated; or

(c) If less than three years have passed since the certified copy of the order of the fiscal court ordering the levy of the tax was filed with the county court clerk.

Section 73. KRS 173.795 is amended to read as follows:

Counties outside of any existing district, and contiguous thereto, may be annexed to the district in the following manner:

(1) Upon filing with the fiscal court of a duly certified petition of fifty-one per cent (51%) of the duly qualified voters voting at the last general election, the fiscal court of each county in the district and each county proposed to be annexed shall adopt a resolution annexing the territory to the district. A certified copy of the order of the fiscal court shall be filed with the county clerk within the next thirty (30) days.

(2) The petition shall be in substantially the following form: "The following duly qualified voters of (insert name of county or counties) petition their respective fiscal courts to annex the following described territory (here describe the territory) to the (name district) public library district with the authority to levy an ad valorem tax of (state exact amount) on each one hundred dollars ($100) worth of property subject to local taxation in the above stated territory." *The petition shall comply with the provisions of Section 3 of this Act.*

Section 74. KRS 173.800 is amended to read as follows:

A district may be dissolved in the following manner:

(1) Upon filing of a duly certified petition of 51 per cent of the number of qualified voters who voted in the last general election in the district, the fiscal court of each county in the district shall adopt a resolution to dissolve a library district.

(2) The petition shall be in substantially the following form: "The following qualified voters in (insert name of county or counties) favor dissolving the (insert name of district) public library district." It shall be presented to the fiscal court within ninety (90) days after having been signed by the first petitioner. *The petition shall comply with the provisions of Section 3 of this Act.*

(3) A certified copy of the order of the fiscal court shall be filed with the county clerk.

(4) The county clerk or clerks in the district will thereupon remove the tax levy from the tax bills of the property owners of the district and the district shall be dissolved.

(5) A petition for dissolution will not be considered of any legal effect if, at any time prior to the filing of such a petition for dissolution, either:

(a) Contractual obligations have been assumed by pertinent contracting parties in connection with said subject library, which contractual obligation would be adversely affected by any such dissolution; or

(b) If, as of the time of filing of such a petition for dissolution, the board of such district shall have arranged for the financing of a library in that district pursuant to a plan of financing involving a lease of that library to the board under which lease the board is not bound for more than one (1) year at a time without exercising an annual option to renew the lease and such lease remains effective and has not been terminated; or

(c) If less than three (3) years have passed since the certified copy of the order of the fiscal court ordering the levy of the tax was filed with the county court clerk.

(6) After all contractual obligations, existing prior to the time of the attempted filing of such petition for dissolution, have been satisfied, then, at such time, a petition for dissolution may be effectively filed under this section, provided that other provisions of this section are complied with.

Section 75. KRS 178.170 is amended to read as follows:

(1) The fiscal court, after an election as provided in subsection (2), may issue and sell bonds for the purpose of constructing or reconstructing public roads and bridges. The bonds shall bear interest not to exceed five per cent (5%) per annum, with coupons attached, payable semiannually, and shall be in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000). The bonds shall mature within forty (40) years, and may be redeemed within that time at the pleasure of the court, and shall be sold at not less than par value and accrued interest.

(2) Upon the petition of one hundred and fifty (150) *qualified* [legal] voters [who are freeholders] of the county, the county court shall, at a regular term after receiving the petition, make an order on its order book directing an election to be held in the county on some day named in the petition, but not earlier than sixty (60) days after the application is received by the judge. *The petition shall comply with the provisions of Section 3 of this Act.* The order shall direct the sheriff to advertise the election and its object by publication pursuant to KRS chapter 424 and also by printed handbills posted at not less than four (4) public places in each voting precinct in the county and at the courthouse door. The election shall be held under the general election laws. The question shall be: "Are you in favor of issuing .... in bonds for the purpose of building roads and bridges?"

(3) All the money raised by the sale of bonds under this section shall be used solely for the construction of hard surface roads.

Section 76. KRS 212.040 is amended to read as follows:

The fiscal court of any county may by resolution at a regular session declare that the county shall be a district for the creation, establishment and maintenance of a county health department. Upon the resolution being passed, the fiscal court shall at once, out of the funds of the county, appropriate a sufficient amount for the creation, establishment and maintenance of the county health department. If there are not sufficient funds on hand for such appropriation at the time the resolution is adopted, the fiscal court shall, at the next succeeding county levy, make a levy sufficient to produce the necessary amount of tax for the creation, establishment and maintenance of the county health department. The fiscal court shall annually thereafter make a levy sufficient to pay the annual expense of maintenance of the county health department. After the resolution creating the department is entered, any twenty (20) *qualified* [legal] voters may, within thirty (30) days, file with the county judge a petition signed by them requesting that the establishment of the county health department be done by the vote of the people of the county as provided in KRS 212.080, in which case it shall be so done. *The petition shall comply with the provisions of Section 3 of this Act.*

Section 77. KRS 212.080 is amended to read as follows:

A number of *qualified* [legal] voters equal to ten per cent (10%) of the total number of votes cast at the last general election of any county may file their petition with the county judge asking that the proposition of creating, establishing and maintaining a county health department be submitted to the voters of the county at the next general election held in the county that does not occur within less than thirty (30) days after filing the petition. *The petition shall comply with the provisions of Section 3 of this Act.* [Each voter signing the petition shall state his full name and address.] At the time of filing the petition the petitioners shall deposit with the county judge a sufficient sum of money to pay the cost of publication, as required by this section. Upon the filing of the petition with the county judge, he shall enter an order directing the publication in full of the petition, pursuant to KRS chapter 424, and shall further enter an order directing the clerk of the county court to have placed upon the ballot at such election the question, "Are you in favor of establishing a county department of health?" with proper squares in which the voter may indicate "Yes" or "No." If the majority of those voting on the proposition vote "Yes," a department of health for the county shall be created, established and maintained. The vote shall be canvassed and returned by the board of election commissioners for the general election. If the election is contested, the members of the fiscal court of the county shall be made defendants.

Section 78. KRS 215.120 is amended to read as follows:

A number of *qualified voters* [citizens] equivalent to ten per cent (10%) of the votes cast at the last general election in any county the fiscal court of which has failed to establish a sanatorium district may file their petition with the county judge asking that the proposition of establishing the county as a district for the erection of a sanatorium for the treatment of tuberculosis be submitted to the voters of the county at the next general election held in the county that does not occur within less than thirty (30) days after the filing of the petition. *The petition shall comply with the provisions of Section 3 of this Act.* [Each voter signing the petition shall state his full name and address.] At the time of filing the petition the petitioners shall deposit with the county judge a sufficient sum of money to pay the cost of publication, as required by this section. Upon the filing of the petition with the county judge he shall enter an order directing that the petition be published in full pursuant to KRS chapter 424, and shall further enter an order directing the clerk of the county court to have placed upon the ballot at such election the question, "Are you in favor of establishing a tuberculosis sanatorium district?," with proper squares in which the voter may indicate "Yes" or "No." If the majority of those voting on the proposition vote "Yes," a tuberculosis sanatorium district shall be established. The vote shall be canvassed and returned by the board of election commissioners for the general election. If the election is contested the members of the fiscal court of the county shall be made defendants.

Section 79. KRS 215.130 is amended to read as follows:

When the citizens of two (2) or more counties desire to have such counties established as a district for the erection of a sanatorium for the treatment of tuberculosis, and the fiscal courts have failed to establish the district, a number of *qualified voters* [citizens] equivalent to ten per cent (10%) of the votes cast at the last general election of each county shall file a petition in the county of their residence asking that the district be established and naming the several counties to be united in the district. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall be filed in each county of the proposed district, accompanied by the deposit required by KRS 215.120 and the method of proceeding shall be the same as provided in KRS 215.120, except that the same proceeding shall be taken in each county for the general election to be held at the same time in each county. If the result of the election in any one (1) of the counties in the proposed district is against the proposition, the district cannot be established.

Section 80. KRS 215.140 is amended to read as follows:

(1) A county may join an already established tuberculosis sanatorium district if the consent of the district board of trustees of the already established district is first secured.

(2) If the fiscal court of the county desiring to join has declared by resolution that the county shall be a tuberculosis sanatorium district or a part of a district, the application for consent shall be made by the fiscal court.

(3) If the county desiring to join has become a tuberculosis sanatorium district or a part of a district by action of the voters, the application for consent shall be made by the board of trustees of that district.

(4) If the county desiring to join has not become a district or a part of a district, the application for consent shall be made by a petition signed by not less than twenty (20) qualified voters of the county. *The petition shall comply with the provisions of Section 3 of this Act.* When it is necessary to take a vote to declare any county a tuberculosis sanatorium district, to enable it to join an already established sanatorium district, the ballot shall read as follows: "Are you in favor of declaring this county a tuberculosis sanatorium district, for the purpose of joining the already established tuberculosis sanatorium district of .... County (or Counties)?" The result of the election shall be certified to the fiscal court of the county in which the election was held, and if the result is favorable to the proposition submitted the fiscal court shall immediately declare the county a portion of the already established tuberculosis district and certify its action to the state board of health, whereupon that board shall determine the number of trustees to compose the board of the district, and the representation to be accorded each county on the district board, according to the provisions of KRS 215.160.

Section 81. KRS 216.090 is amended to read as follows:

(1) Before any city of the second, third, fourth or fifth class may purchase, establish, erect, acquire, maintain or operate a municipal hospital, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the hospital. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance if a number of *qualified* [legal] voters of the city equal to twenty-five per cent (25%) of the total number of votes cast in the city at the last regular election file a petition within ten (10) days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. *The petition shall comply with the provisions of Section 3 of this Act.* If the petition is filed the election shall be held at the next regular election held in the city.

(2) If an election is petitioned for, the mayor shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of purchasing, establishing, erecting, acquiring, maintaining and operating a municipal hospital in accordance with the estimate of cost adopted by the City of .... (here insert name of city), and the issuance of revenue bonds in the amount of $.... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the hospital, based upon the estimate of cost?" Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping. The mayor shall advertise the election and its object by publication pursuant to KRS chapter 424. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not purchase, establish, erect, acquire, maintain or operate a municipal hospital or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the municipal hospital, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, rights of way, constructions, franchises and easements necessary for the construction of the hospital.

Section 82. KRS 216.317 is amended to read as follows:

Before a hospital district is established or a county participates in an established district, the procedure provided in subsection (1) or the procedure provided in subsection (2) shall be complied with.

(1) (a) Upon the filing of a duly certified petition of one hundred (100) or more duly qualified voters in a county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether a hospital district should be established for the medical service area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed ten cents (10¢) on each one hundred dollars ($100) of the assessed valuation of all property in the county. *The petition shall comply with the provisions of Section 3 of this Act.* A certified copy of the order of the fiscal court shall be filed with the county court clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(b) The question shall be in substantially the following form: "Are you in favor of (insert the name of the county) participating in a hospital district composed of (insert the names of the counties) for which (insert the name of the county) shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) hospital district?"

(c) If a majority of those voting in the county favor the establishment of the district or the participation of the county in an established district, the district shall be established and shall constitute and be a taxing district within the meaning of section 157 of the constitution of Kentucky and the county shall be a participating county in the district.

(d) The participation of each county in a district shall be determined separately and a county may follow the procedure in subsection (1) or (2) without regard to the procedure followed in any other county in the district.

(e) All special ad valorem taxes authorized by KRS 216.310 to 216.360 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

(2) (a) Upon the filing of a duly certified petition of a majority of the number of duly qualified voters who voted in the last general election in each county to be included within the territorial limits of the proposed district, the fiscal court of a county in the proposed district shall adopt a resolution ordering the levy of a tax of not more than ten cents (10¢) on each one hundred dollars ($100) worth of property assessed for local taxation. *The petition shall comply with the provisions of Section 3 of this Act.* Such petition shall be filed with the fiscal court in each county in the proposed district not later than ninety (90) days after the date of the first signature on the petition. A certified copy of the order of the fiscal court shall be filed within thirty (30) days with the county court clerk who will add the levy to the next annual tax bill of the county or counties concerned.

(b) The petition shall be in substantially the following form:

The following duly qualified voters of (insert name of county) hereby petition the fiscal court concerned to establish a hospital district for (insert name of county or counties) for which (insert name of county) shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) hospital district.

[(c) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.]

*(d)* [(c)] All special ad valorem taxes authorized by KRS 216.310 to 216.360 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 83. KRS 220.040 is amended to read as follows:

(1) Before the commissioner of sanitation districts shall establish a district, a petition, approved as to propriety and necessity by the county board of health of each county affected, shall be filed with the commissioner, signed by sixty per cent (60%) of those *qualified voters* [in possession claiming as freeholders] within the limits of the territory proposed to be organized into a district. *The petition shall comply with the provisions of Section 3 of this Act.*

(2) [In determining when sixty per cent (60%) of the landowners have signed the petition, the commissioner shall be bound by the names as they appear upon the county tax duplicate, which for all purposes of KRS 220.010 to 220.520 shall be prima facie evidence of such ownership. The commissioner shall further require evidence to determine the fact that all signatures on the petition are genuine, and a notification by ordinary mail sent to the respective addresses shown on the petition shall be deemed satisfactory by the commissioner if the petitioner so notified fails to report in writing within ten (10) days that he did not sign the petition.] When authorized by ordinance, such a petition may be signed by the governing body of any municipality lying wholly or partly within the proposed district. When so signed by such governing body a petition on the part of the governing body shall fill all requirements of representation upon the petition of the freeholders of the municipality as they appear upon the assessment roll of the municipality, and individuals within the municipality shall not sign the petition. Such a petition may also be filed by any municipality interested in some degree in the improvement, upon proper action by its governing body, except as provided in KRS 220.520.

Section 84. KRS 242.020 is amended to read as follows:

(1) A petition for an election shall be signed by a number of [constitutionally] qualified voters of the territory to be affected, equal to twenty-five per cent (25%) of the votes cast in the territory at the last preceding general election. The petition may consist of one or more separate units, and shall be filed with the county clerk.

(2) *The petition shall comply with the provisions of Section 3 of this Act.* [The petition for election, in addition to the name of the voter, shall state also his post office address and the correct date upon which his name was signed.]

(3) No signer may withdraw his name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for election without his authority, he may appear before the county court before the election is ordered and upon proof that his name was placed on the petition without his authority, his name may be eliminated by an order of the court. When his name has been eliminated, he shall not be counted as a petitioner.

(4) After a petition for election has been filed, the county court shall, at the current or the next regular term, make an order on the order book of the court directing an election to be held in that territory.

Section 85. KRS 242.140 is amended to read as follows:

A petition for a referendum to determine whether nonintoxicating malt beverages containing not more than 3.2 per cent of alcohol by weight shall be sold in dry territory, shall be signed by a number of *qualified* [legal] voters of the territory equal to twenty-five per cent (25%) of the total number of votes cast in the last regular election in the territory. *The petition shall comply with the provisions of Section 3 of this Act.* The petition shall be filed with the county clerk not less than twenty-five (25) nor more than sixty (60) days before the day specified for the holding of the referendum.

Section 86. KRS 262.210 is amended to read as follows:

No less than fifty-five (55) days before the day fixed by law for holding of regular elections, nominating petitions may be filed with the clerk of the county in which the district lies to nominate candidates for supervisors of the district. Each nominating petition shall be subscribed by twenty-five (25) or more qualified voters who are residents of the territory to be encompassed by the district. Resident qualified voters may join in nominating by petition more than one candidate for supervisor. *The petition shall comply with the provisions of Section 2 of this Act.* [The nominating petition shall state the residence and post-office address of each candidate, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate.] The county clerk shall certify the nomination and election of supervisors to the commission.

Section 87. KRS 262.240 is amended to read as follows:

(1) A supervisor's term begins on January 1 following his election. The two supervisors elected in the general election of 1974 shall be elected for a term of two years. In 1976 a general election shall be conducted for seven supervisors. The four (4) supervisors elected with the highest number of votes in the general election of 1976 shall serve for four (4) years; the other three (3) supervisors elected in 1976 shall serve for two (2) years. In the event only seven (7) nominating petitions for supervisors are filed, the commission shall declare the nominees elected without an election, and shall name four (4) of the nominees to serve terms of four (4) years, and three (3) to serve terms of two (2) years. Thereafter supervisors shall be elected for four (4) years as their terms expire. Nominating petitions for supervisors shall be filed with the county clerk not less than fifty-five (55) days prior to the day of the election. No such nominating petition shall be accepted by the clerk unless it is signed by twenty-five (25) or more qualified resident voters of the district. *The petition shall comply with the provisions of Section 2 of this Act.* Qualified resident voters may sign more than one nominating petition to nominate more than one candidate for supervisor. In the event nominating petitions for only the number of supervisors to be elected are filed, the commission shall declare the nominees elected without holding an election.

(2) A supervisor shall hold office until his successor has been elected and has qualified. Vacancies shall be filled for the unexpired term by appointment by the commission.

(3) A supervisor may be reimbursed for expenses necessarily incurred in the discharge of his duties and may be paid a per diem for attending meetings or otherwise discharging the obligations of his office.

(4) A supervisor shall be a resident of the county or district in which he serves as a supervisor, and upon moving from the county or district, the supervisor shall be ineligible to serve as a supervisor and his office shall be vacant.

(5) Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office. A supervisor shall not be removed except pursuant to this subsection.

**SB 176**, AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 117.275 is amended to read as follows:

(1) At the count of the votes in any such precinct, any candidate and any representatives to witness and check the count of the votes therein, who are hereby authorized to be appointed as is provided in subsection (6) of this section, shall be admitted and be permitted to be present and witness the count.

(2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating:

(a) That the machine has been locked against voting and sealed;

(b) The number of voters, as shown on the public counters;

(c) The number registered on the protective or accumulative counter or device, if any; and

(d) The number or other designation of the voting machine, which certificate shall be returned by the judges of election to the officials authorized by law to receive the same. The judges shall then compare the number of voters, as shown by the counter of the machine, with the number of those who have voted as shown by the protective or accumulative counter or device.

(3) The judges, in the presence of the representatives mentioned in subsection (1), if any, and of all other persons who may be lawfully within the polling place, shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. The judges shall, under the scrutiny of such representatives, and in the order of the offices as their titles are arranged on the machine, read and announce, in distinct tones, the results as shown by the counter numbers for each candidate and for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on quadruplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the judges. The total vote cast for each candidate, and for and against each question, and the votes written in, shall then be entered on the general and quadruplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the lists of voters, and the number who have voted on each machine, as shown by the public counters, and also the number registered on the protective or accumulative counter or device on each machine immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, quadruplicate return sheets shall remain exposed to view until the said returns and all other reports have been fully completed.

(4) The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges of election, who shall read the name of the vote cast for each candidate and the vote for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the judges, after which the doors or other cover of the voting machine shall be closed and locked and the return sheet shall be signed by each of the judges of election. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope, which shall be securely sealed, and each of the judges shall write his name across the fold of the envelope. One (1) of the quadruplicate return sheets, along with the general return sheet and precinct list, shall be directed to the county board of elections of the county in which the election is being held, one (1) to the county clerk of the county in which the election is being held and one (1) to the local governing body of each of the two (2) dominant political parties. Said envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls. Following the tabulation of all votes cast in the election, including absentee votes, the county board shall immediately mail the tabulation result, the general return sheets and the precinct lists from each precinct to the state board of elections.

(5) As soon as possible after the completion of the count, the election officers shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the clerk of the county court in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

(6) In primary elections, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, independent candidate or independent ticket may designate a representative to the county board of elections to witness and check the vote count. *The county board of elections shall authorize representatives of the news media to observe the taking of the tally of votes from the voting machine in each precinct in each primary, regular or special election.*

Section 2. KRS 117.305 is amended to read as follows:

The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless within ninety-six (96) hours after the close of the polls a candidate shall in writing request the county board of elections to check and recanvass the voting machines of any precinct or any number of precincts. When such a request has been made the election commission shall immediately assemble and recheck and recanvass each machine and make a proper return thereof to the county court clerk, in which event the canvass and return shall become the official returns for the election. In making the recanvass the board shall make a record of the number of the seal upon the voting machine and without unlocking the machine against voting, recanvass the vote cast thereon. If, upon a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, the board with the assistance of the county clerk, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause, if any, of the discrepancy in returns of the machine. Each registering counter shall be reset at zero before it is tested, after which it shall be operated at least one hundred (100) times. After the completion of the examination and test, the county clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test and statement which shall be witnessed by the persons present, and shall be filed with the board. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly, except that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present either in person or by a representative or both. *The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct.* Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS chapter 120.

Section 3. KRS 117.335 is amended to read as follows:

(1) The challenge of an absent voter's ballot must be in writing and in the hands of the county clerk before 3:00 p.m. on election day.

(2) The county board of elections shall count the absentee ballots. The board may appoint a central absentee ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of which shall be members of the same political party, to count the ballots at the direction of the county board of elections.

(3) Beginning at 3:00 p.m. on election day the board may meet at the clerk's office to count the absentee ballots. Candidates or their representatives shall be permitted to be present. *The county board of elections shall authorize representatives of the news media to observe the counting of absent voters' ballots.* The board shall open the boxes containing absent voters' ballots and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope is in proper order and has been signed by the absent voter. All unsigned absentee ballots shall be rejected automatically. The clerk shall compare the signature on the outer envelope with the signature of the voter that appears on the registration card. If the outer envelope is found to be in order the clerk shall read aloud the name of the absent voter. If the vote of such voter is not rejected on a challenge then made as provided in subsection (4), the clerk shall then open the envelope and remove the inner envelope and place it unopened in a ballot box which has been provided for the purpose.

(4) When the name of an absent voter is read aloud by the clerk, the vote of such voter may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person, but if the outer envelope is regular, and substantially complies with the provisions of this chapter, they shall be considered as showing that the absent voter is prima facie entitled to vote. If the vote of an absent voter is rejected pursuant to the challenge, the outer envelope shall not be opened, and the clerk shall write on the envelope the word "rejected".

(5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board shall then open the ballot box, remove the absentee ballots from the inner envelopes and count the absentee ballots on a form provided by the state board.

(6) The county clerk shall retain the ballots and the inner envelopes for thirty (30) days, at which time they shall be burned by the county board of elections. If a contest or recount proceeding is instituted during said thirty-day period, the ballots shall not be burned but shall be disposed of as directed by the court in which such proceeding was instituted.

**SB 186,** AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 117.055 is amended to read as follows:

(1) Each county shall be divided into election precincts. *The county board of elections shall have the authority to draw precinct lines so as to enable more than one precinct to vote at one location.* The county board of elections shall review precinct boundaries as often as necessary, but changes shall be made no later than fifty-five (55) days prior to any primary or general election to comply with the provisions of this section, and shall establish the name or number and the boundaries of the precincts, except that no precinct shall contain portions of more than one (1) legislative district within its boundaries. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the county, not to exceed seven hundred (700) voters to a precinct. A map and listing of the exact precinct boundaries shall be filed by the county board of elections with the state board of elections, and any changes in boundaries hereafter made shall also be filed with the state board of elections. A copy of this map indicating all precinct boundaries within the county shall be included in the election supplies of each precinct.

(2) If the county board of elections fails to perform the duty herein required, then the state board of elections or any citizen and voter of the county may apply to the circuit court of the county for a summary mandatory order requiring the board to perform this duty. Appeals may be taken to the Court of Appeals by either party.

Section 2. KRS 117.065 is amended to read as follows:

*(1)* The county board of elections shall, not later than September 20 of each year, establish the voting place *for* [in] each precinct. If a change becomes necessary after that date, notice of change shall be published pursuant to KRS chapter 424. If a change becomes necessary on election day, notice shall be posted at the former voting place. The expense of renting voting places, for which rent of not less than twenty dollars shall be paid, shall be paid in the same manner as other election expenses.

*(2) The county board of elections shall have the authority to designate as voting places, without cost to the board, buildings constructed in whole or in part with tax revenues.*

**SB 218,** AN ACT relating to elections of members of boards of education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) No person shall be elected to be a member of a board of education in a county containing an urban county government without first being nominated in the manner prescribed by this section. On the day fixed by law in KRS 118.025 there shall be held a primary election.

(2) Each applicant for nomination shall, at least fifty-five (55) days before the day of the primary election, file with the county clerk a petition signed by at least one hundred (100) voters. The petition shall state the name and residence of the applicant for nomination, the district, if applicable, from which he is running, that he is legally qualified to hold the office, and that the petitioners desire, and are legally qualified, to vote for the candidate. If any person joins in nominating by petition, more than one (1) applicant for nomination, he shall be counted as a petitioner for the applicant whose petition is filed first. The name of an applicant shall not be placed upon the ballot if, before the preparation of the ballots, he files with the county clerk a written objection, signed and sworn to by him.

(3) Immediately upon the expiration of the time for filing petitions, the county clerk shall have published as provided in KRS Chapter 424, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed.

(4) The names of the candidates for members of boards of education shall be placed on the voting machine and special ballots in a single column or line headed or preceded by the words "School Ballot."

(5) The order in which the names of the candidates are to be printed on the ballot shall be determined by lot by the county clerk.

(6) The voting shall be by divisions. The two (2) candidates receiving the highest number of votes for nomination for member of a board of education are thereby nominated.

SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) At the regular election following the primary election, the names of the nominees shall be placed upon the ballots in a single column preceded by the words "School Ballot." The order in which the names of the candidates for member of boards of education are to be printed shall be determined by lot by the county clerk.

(2) The nominee receiving the highest number of votes cast shall be declared a member of the board of education.

(3) The general election laws shall apply to all elections of members of school boards.

Section 3. KRS 160.190 is amended to read as follows:

(1) Any vacancy in any board of education shall be filled by the other members of the board within ninety (90) days after the vacancy occurs. If the vacancy is not filled by the other members of the board within ninety (90) days, it shall be filled by the state board of education within thirty (30) days after information has been filed by any citizen of the district that the vacancy has existed for more than ninety (90) days. The member so chosen shall hold office until his successor is elected and has qualified.

(2) Any vacancy having an unexpired term of one year or more at the next regular November election after the vacancy occurs shall be filled for the unexpired term by an election to be held at the next regular November election after the vacancy occurs. The elected member shall succeed the member chosen by the board of education or the state board of education to fill the vacancy.

*(3) In counties containing an urban county government, any vacancy on the board of education having an unexpired term of one year or more shall be filled at the next regular November election after the vacancy occurs. The candidates for the regular November election shall be nominated at the primary election.*

The Committee on Rules reported **HB 51, HB 754, HB 772, HB 371, HB 629, HB 646, HB 660, HB 823, HCR 2, HR 102, SB 96, SB 27, SB 166, SB 170, SB 185, SB 223, SB 243, SB 213, SB 214, SB 220, SB 224, SB 244, SB 256, SB 296, SB 316, SB 339, SB 262, SB 299, SB 337, SB 342, SB 344, SB 355, SB 356,** have been posted for passage in Orders of the Day, March 15, 1976.

The Committee on Rules reported **SB 248** and **SB 249** have been recommitted to the Committee on Health and Welfare.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Banking and Insurance: **SB 240.**

Counties and Special Districts: **SB 14, SB 290, SB 292, SB 349.**

## Calendar

**SB 254, SB 320, SB 330, SB 362** with Committee Substitute attached thereto, **HB 850, SB 264, SB 297, SB 307, SB 346, SB 367, SB 357, HR 64, HR 78, SB 173, SB 157, SB 363, HB 825, HB 826, SB 263, SCR 1, SR 49,** and **SB 216** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Representative B. Richardson moved that the rules be suspended for the purpose of adopting a Resolution. Agreed.

Representative Stephens moved the adoption of the following **HR 114:**

**HR 114,** A RESOLUTION adjourning in memory of Mary Beth Heathman.

WHEREAS, Mary Beth Heathman has been taken from this life without opportunity to savor it fully; and

WHEREAS, this fine young lady in her brief span established herself as a credit to her family and her community; and

WHEREAS, those who knew Mary Beth Heathman, and particularly those children of whom she was so fond, now mourn her loss with utmost anguish;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives does adjourn this day, Monday, March 15, 1976, it does so in honor and memory of Mary Beth Heathman.

Section 2. That the Clerk be directed to transmit a copy of this resolution to Mr. and Mrs. Tom. L. Heathman.

**HR 114** was adopted by voice vote.

Representative B. Richardson moved that the rules be suspended to waive the three-day posting requirement. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of announcing Committee meetings to be held during recess. Agreed.

Representative B. Richardson announced the following meetings:

Agriculture and Natural Resources: Room 307, 12:40-1:00.

Business Organizations and Professions: Room 305, 12:40-1:00.

Counties and Special Districts: Room 305, 1:00-1:20.

Judiciary-Statutes: Room 307, 1:00-1:20.

Cities: Room 305A, 1:00-1:20.

Judiciary-Courts: Room 305, 1:20-1:40.

State Government: Room 307, 1:20-1:40.

Education: Room 305A, 1:20-1:40.

## Senate Message

Announcing passage of **HB 368** with Amendment, **HB 498** with Amendment, **HB 205, HB 29, HB 562,** and **SB 230.**

## Recess

Representative B. Richardson moved that the House recess until 1:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative B. Richardson moved that the rules be suspended for the purpose of adopting a Legislative Citation. Agreed.

Representative Rattliff moved the adoption of the following Legislative Citation No. 55:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Green County High School Dragons for their victory in the Fifth Region Basketball Tournament. This body commends the team members, cheerleaders, Coach Carl Deaton and his coaching staff for this victory and extends best wishes for success as they compete in the Kentucky State High School Basketball Tournament. (Sponsored by Representative Rattliff)

Agreed.

## Orders of the Day

**HB 371** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **HB 371** be passed.

On the roll call the vote was yeas 66-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Burnette, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Siler, Stewart, Tobin, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wright. Nays 1-Denham.

**HB 371** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 371** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 737,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **HB 737.** Agreed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stewart, Tobin, J. Turner, R. Turner, Vincent, White, Wible, Wright. Nays 0.

**HB 737,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 737,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 761** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 761:**

Amend printed copy of **HB 761,** page 1, line 9, after "cies" by adding "except that neither the state, state employee, or former state employee shall be subject to an action arising from discretionary acts or decisions pertaining to the design or construction of public highways, bridges or buildings";

and on page 4, after line 4, by adding the following:

"A new section of KRS Chapter 12 is created to read as follows:"

"Section 5. The expenses incurred by the Attorney General in defending state employees and former state employees shall not be charged against the regular budget of the Attorney General but shall be paid by the Commissioner of the Department of Finance and Administration from unappropriated general funds surplus in the State Treasury as a necessary governmental expense on vouchers submitted by the Attorney General and approved by the Commissioner. The expenses to be so paid include but are not limited to the cost of the time spent by salaried attorneys of the Attorney General's office, contract attorneys, court reporters, and the cost of trial preparation and investigation.";

and on page 4, line 5, by deleting "5" and inserting in lieu thereof "6".

Agreed.

Representative B. Richardson moved that **HB 761,** as amended, be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, R. Turner, Vincent, White, Wible, Wright, Yates. Nays 1-Blythe.

**HB 761,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 761,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 646,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **HB 646.** Agreed.

Representative B. Richardson moved that **HB 646,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 65-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, Denham, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Head, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Priddy, Richards, B. Richardson, Sale, Siemens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 13-Ackerson, Blair, Blythe, Burnette, Cooper, DeFalaise, DeMarcus, Guenthner, Holbrook, Pearl, Rattliff, Robinson, R. Turner.

**HB 646,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 646,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 764** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of Floor Amendment No. 1 to **HB 764:**

Amend printed copy of **HB 764,** page 18, after line 21, by adding the following:

"Section 5. A new section of KRS Chapter 198A is created to read as follows:

(1) The corporation may make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making residential mortgage loans.

(2) The corporation shall from time to time adopt, modify, amend or repeal rules and regulations governing the making of loans to mortgage lenders and the use of the proceeds thereof, including rules and regulations as to any or all of the following:

(a) procedures for the application or submission of requests for loans to mortgage lenders;

(b) standards and requirements as to allocations of loans among all or certain of the mortgage lenders or awards of loans and determining the amounts and interest rates thereof;

(c) limitations or restrictions as to the number of family units, locations or other qualifications or characteristics of residential housing to be financed by residential mortgage loans;

(d) restrictions as to the interest rates on residential mortgage loans or the return realized therefrom by mortgage lenders;

(e) requirements with respect to the application of the proceeds of loans to mortgage lenders, including the time within which the proceeds of any such loan must be committed and disbursed for residential mortgage loans;

(f) schedules of any fees and charges necessary to provide for expenses and reserves of the corporations; and

(g) any other matters related to the duties and the exercise of the powers of the corporation under this section.

Such rules and regulations shall in each case be designed to effectuate the general purposes of this Act and the following specific objectives: (i) the expansion of the supply of funds in the state available for residential mortgage loans; (ii) the provision of the additional residential housing needed to remedy the shortage of adequate housing in the state and to eliminate the existence of a large number of substandard dwellings; and (iii) the effective participation by mortgage lenders in the program authorized by this Act and the restriction of the financial return and benefit thereto from such program to that necessary and reasonable to induce such participation.

(3) The obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond or other certificate of indebtedness, shall be subject to prepayment and shall contain such other provisions consistent with this section, all as the corporation shall by resolution determine.

(4) Any other provision of this section to the contrary notwithstanding, the interest rate or rates and other terms of the loans to mortgage lenders made from the proceeds of any issue of bonds of the corporation shall be at least sufficient to assure the payment of said bonds and the interest thereon as the same become due from the amounts received by the corporation in repayment of such loans and interest thereon.

(5) The corporation may require that such loans to mortgage lenders be additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security in such amounts as the corporation by resolution shall determine to be necessary to assure the payment of such loans and the interest thereon as the same become due. Such collateral security shall consist of (i) direct obligations of, or obligations guaranteed by, the United States of America; (ii) bonds, debentures, notes or other evidences of indebtedness, satisfactory to the corporation, issued by any of the following federal agencies: Banks for Cooperatives, Federal Intermediate Credit Banks, Federal Home Loan Banks, Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association or the Government National Mortgage Association; (iii) direct obligations of or obligations guaranteed by the state; or (iv) mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payments of principal and interest. The corporation may require in the case of any or all mortgage lenders that such collateral be lodged with a bank or trust company located in the state designated by the corporation as custodian therefor. In the absence of such requirement a mortgage lender shall upon receipt of the loan proceeds from the corporation enter into an agreement with the corporation containing such provisions as the corporation shall deem necessary to adequately identify and separately maintain such collateral and service the same and providing that such mortgage lender shall hold such collateral as an agent for the corporation and shall be held accountable as the trustee of an express trust for the application and disposition thereof and the income therefrom solely to the uses and purposes in accordance with the provisions of such agreement. A copy of each such agreement and any revisions or supplements thereto shall be filed with the secretary of state, and no further filing or other action under Article 9 of KRS Chapter 355 or any other law of the state shall be required to perfect the security interest of the corporation in such collateral or any additions thereto or substitutions therefor, and the lien and trust for the benefit of the corporation so created shall be binding from

and after the time made against all parties having claims of any kind in tort, contract or otherwise against such mortgage lender. The corporation may also establish such additional requirements as it shall deem necessary with respect to the pledging, assigning, setting aside, or holding of such collateral and the making of substitutions therefor or additions thereto and the disposition of income and receipts therefrom.

(6) The corporation shall require the submission to it by each mortgage lender to which the corporation has made a loan of evidence satisfactory to the corporation of the making of residential mortgage loans as required by this section and prescribed by rules and regulations of the corporation and in connection therewith may inspect the books and records of such mortgage lender.

(7) All residential mortgage loans made as required by this section shall comply with the applicable provisions of the laws of the state, and, where federal law or the law of another jurisdiction governs the affairs of the mortgage lender with the applicable provisions of such law.

(8) The corporation may require agreement by any mortgage lender as a condition of the loan to such mortgage lender, to the payment of penalties to the corporation for violation by the mortgage lender of any provision of this section or its undertaking to the corporation with respect to the making of residential mortgage loans, and such penalties shall be recoverable at the demand of the corporation.

(9) If at any time the corporation shall determine that an adequate supply of funds exists in regular banking channels for residential mortgage loans, the corporation shall discontinue the making of loans to mortgage lenders until such time as the corporation may subsequently determine that the supply of funds available for new residential mortgage loans is again inadequate.

(10) For purposes of this section, the term "residential mortgage loan" means a loan made by a mortgage lender and secured by a mortgage constituting a first lien upon residential housing."

Agreed.

Representative B. Richardson moved that **HB 764,** as amended, be passed.

On the roll call the vote was yeas 73-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, Siler, Stewart, Tobin, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 0.

**HB 764,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 764,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 413** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Boatwright, Burnette, Clapp, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Hardwick, Head, Holbrook, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McGill, Morgan, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Stewart, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Yates. Nays 23-A. S. Adams, Beshear, Bevins, Blair, Blandford, Blythe, Bruce, Clarke, Craddock, DeFalaise, DeMarcus, Denham, Hancock, Hopkins, Morris, Nett, O'Brien, Rattliff, Schmidt, Siler, Tobin, R. Turner, Wright.

**HB 413** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 413** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 170** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **HB 170** be passed.

On the roll call the vote was yeas 73-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Doss, Dunn, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Hopkins, Hughes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, May, McBride, McGill, Morgan, Morris, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 9-Blair, Clarke, Fitzgerald, Hancock, Jones, Mason, Nett, P. Richardson, R. Turner.

**HB 170** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 170** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 268** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 531** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **HB 531** be passed.

On the roll call the vote was yeas 60-Ackerson, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Carpenter, Clarke, Cyrus, DeFalaise, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Guenthner, Hancock, Holbrook, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Priddy, Richards, P. Richardson, Romines, Sale, Schmidt, Siemens, Stewart, Thomas, J. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 15-J. Allen, Bruce, Burnette, Cooper, Denham, Deskins, Floyd, Gay, Little, Overstreet, Pearl, Robinson, Siler, R. Turner, Vincent.

**HB 531** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 531** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 584** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HB 584** be passed.

On the roll call the vote was yeas 57-Ackerson, B. Adams, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Bruce, Carpenter, Cooper, Craddock, Cyrus, DeMarcus, Dietz, Doss, Dunn, Floyd, Givhan, Guenthner, Hardwick, Holbrook, Hopkins, Isler, Kenton, King, Kleier, LeMaster, Mann, Mason, McBride, McGill, Morris, Nett, O'Brien, Overstreet, Priddy, Rattliff, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, White, Wible, Wooden, Yates. Nays 17-A. S. Adams, J. Allen, Blair, Burnette, Denham, Deskins, Fitzgerald, Foster, Hancock, Hughes, Kidd, Lindsay, Little, Pearl, P. Richardson, Vincent, Wright.

**HB 584** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 584** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 611,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brown moved the adoption of the Committee Amendment to **HB 611.** Agreed.

Representative B. Richardson moved that **HB 611,** as amended, be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, A. S. Adams. J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Hopkins, Imes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, May, McBee, McBride, McGill, Morris, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Siemens, Stewart, Tobin, R. Turner, Vincent, Wible, Yates. Nays 18-Blair, Boatwright, Brinkley, Burnette, Cooper, DeMarcus, Floyd, Foster, Hardwick, Hughes, Jones, Mason, Nett, Schmidt, Siler, J. Turner, Wooden, Wright.

**HB 611,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 611,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 638** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 665** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved that **HB 665** be passed.

On the roll call the vote was yeas 75-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clarke, Cooper, Cyrus, DeFalaise, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Priddy, Richards, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 665** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 665** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 687** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved the adoption of the following Floor Amendment No. 1 to **HB 687:**

Amend printed copy of **HB 687,** page 1, line 11, by deleting all of lines 11 through 15, and by inserting therefor the following:

"*1, 1974 and all surviving widows shall receive an increase in retirement benefits of five percent on the effective date of this act. No retiree, or his surviving widow, under this section shall receive a pension of less than one hundred dollars ($100.00) a month.*"

and on page 2, line 2, by deleting the words: "*for the retiree or his widow*"

and on page 2, line 3, by deleting the words: "*from each source*"

Agreed.

Representative Dietz moved that **HB 687,** as amended, be passed.

On the roll call the vote was yeas 70-Ackerson, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clarke, Cooper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, O'Brien, Overstreet, Pearl, Priddy, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wible, Wooden, Yates. Nays 1-B. Adams.

**HB 687,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 687,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 722** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved that **HB 722** be passed.

On the roll call the vote was yeas 76-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Clarke, Cooper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**HB 722** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 722** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 743** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 743** be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Guenthner, Hancock, Hardwick, Head, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright. Nays 1-Lindsay.

**HB 743** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 743** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 752** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Adams moved that **HB 752** be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Gray, Holbrook, Imes, Isler, Jones, Kenton, Kidd, King, Little, Mann, Mason, McBride, McGill, Morgan, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Stewart, Tobin, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright. Nays 10-A. S. Adams, Fitzgerald, Guenthner, Hancock, Hopkins, Hughes, Lindsay, McBee, Overstreet, Rattliff.

**HB 752** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 752** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 268,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved the adoption of the Committee Amendment to HB 268. Agreed.

Representative Imes moved that **HB 268,** as amended, be passed.

On the roll call the vote was yeas 76-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, R. Turner, White, Wible, Wooden, Wright, Yates. Nays 2-Denham, Hancock.

**HB 268,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 268,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 798** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **HB 798** be passed.

On the roll call the vote was yeas 51-Ackerson, Arnold, Bendl, Bennett, Benson, Blume, Blythe, Brinkley, Brown, Bruce, Clapp, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Floyd, Gray, Hancock, Hardwick, Head, Holbrook, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Mann, May, McBee, McBride, McGill, O'Brien, Priddy, Rattliff, B. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Tobin, Thomas, J. Turner, White, Wible, Wooden, Yates. Nays 22-B. Adams, A. S. Adams, J. Allen, Blandford, Boatwright, Burnette, Cooper, DeMarcus, Deskins, Fitzgerald, Foster, Guenthner, Hopkins, Imes, Lindsay, Little, Nett, Overstreet, Pearl, Richards, R. Turner, Wright.

**HB 798** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 798** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 802** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardwick moved that **HB 802** be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Clapp, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Doss, Dunn, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 2-Brown, Fitzgerald.

**HB 802** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 802** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 812** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved that **HB 812** be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Brown, Bruce, Burnette, Clarke, DeFalaise, Denham, Dietz, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Hancock, Hardwick, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Yates. Nays 18-Beshear, Blair, Boatwright, Brinkley, Cooper, Cyrus, Deskins, Donnermeyer, Gray, Imes, Mann, Morgan, Overstreet, Priddy, Wright.

**HB 812** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 812** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 814** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Robinson moved that **HB 814** be passed.

On the roll call the vote was yeas 58-Ackerson, A. S. Adams, J. Allen, Arnold, Bennett, Benson, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Bruce, Burnette, Clapp, Cyrus, DeMarcus, Denham, Dietz, Doss, Dunn, Floyd, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Hopkins, Hughes, Imes, Isler, Kidd, King, Mann, Mason, May, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siler, Thomas, R. Turner, Vincent, Wells, White, Wooden. Nays 20-B. Adams, Blume, Clarke, Cooper, DeFalaise, Deskins, Fitzgerald, Hancock, Holbrook, Jones, Kenton, LeMaster, Lindsay, Little, McBee, McBride, Tobin, Wible, Wright, Yates.

**HB 814** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 814** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 815** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Robinson moved that **HB 815** be passed.

Representative Lindsay moved that **HB 815** be laid on the table.

On the roll call the vote was yeas 24-B. Adams, Bendl, Bennett, Blume, Burnette, Cooper, Deskins, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Gray, Hancock, Jones, Kenton, Lindsay, May, McBee, McBride, Richards, Siemens, Tobin, Wible. Nays 38-Ackerson, J. Allen, W. Allen, Blandford, Blythe, Boatwright, Brinkley, Bruce, Clapp, Clarke, Cyrus, DeMarcus, Denham, Doss, Freeman, Gay, Guenthner, Hardwick, Holbrook, Hopkins, Hughes, Imes, Isler, King, LeMaster, Mason, McGill, Morgan, Nett, Overstreet, Pearl, Rattliff, B. Richardson, Robinson, Siler, R. Turner, White, Wooden.

The motion that **HB 815** be laid on the table was rejected.

Representative B. Richardson moved that consideration of **HB 815** be postponed indefinitely.

On the roll call the vote was yeas 29-B. Adams, J. Allen, Bendl, Benson, Blandford, Blume, Clarke, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Hurst, Jones, Kenton, Lindsay, Little, Pearl, Richards, B. Richardson, Romines, Siemens, Stewart, J. Turner, Wible. Nays 36-Ackerson, A. S. Adams, W. Allen, Bevins, Blair, Blythe, Brinkley, Bruce, Burnette, Cyrus, DeMarcus, Denham, Gay, Guenthner, Hardwick, Holbrook, Hopkins, Hughes, Isler, King, Mason, May, McGill, Morgan, Nett, O'Brien, Overstreet, Rattliff, Robinson, Siler, Tobin, Thomas, R. Turner, White, Wooden, Wright.

The motion that consideration of **HB 815** be postponed indefinitely was rejected.

On the roll call the vote was yeas 51-Ackerson, A. S. Adams, J. Allen, W. Allen, Bennett, Bevins, Blair, Blythe, Boatwright, Brinkley, Bruce, Burnette, Clapp, Cyrus, Doss, Dunn, Freeman, Gay, Guenthner, Hardwick, Head, Hopkins, Hughes, Imes, Isler, King, LeMaster, Little, Mason, May, McGill, Morgan, Nett, O'Brien, Overstreet, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Siler, Stewart, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wooden, Wright. Nays 30-B. Adams, Arnold, Bendl, Blandford, Blume, Clarke, Cooper, DeFalaise, DeMarcus, Denham, Deskins, Donnermeyer, Fitzgerald, Floyd, Foster, Gray, Hancock, Holbrook, Hurst, Kenton, Kidd, Lindsay, McBee, McBride, Pearl, P. Richardson, Siemens, J. Turner, Wible, Yates.

**HB 815** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 815** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 822** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved the adoption of the following Floor Amendment No. 1 to **HB 822:**

Amend printed copy of **HB 822,** page 1, line 10, after "be" insert "*a qualified voter of the city and*"

On the roll call the vote was yeas 35-W. Allen, Bennett, Boatwright, Brinkley, Bruce, Clapp, DeFalaise, DeMarcus, Deskins, Donnermeyer, Foster, Freeman, Gay, Givhan, Hancock, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Kidd, King, Lindsay, Mason, May, McBride, Morgan, Pearl, Priddy, Richards, Romines, R. Turner, Vincent, Wright. Nays 38-J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Clarke, Cooper, Cyrus, Denham, Doss, Fitzgerald, Gray, Guenthner, Hardwick, Isler, Jones, Kenton, LeMaster, Mann, McGill, B. Richardson, P. Richardson, Robinson, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, White, Wible, Wooden, Yates.

The Floor Amendment No. 1 to **HB 822** was rejected.

Representative Benson moved that **HB 822** be passed.

On the roll call the vote was yeas 42-Ackerson, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Clarke, Craddock, Cyrus, Donnermeyer, Doss, Dunn, Fitzgerald, Gray, Guenthner, Hancock, Hardwick, Isler, Kenton, Kidd, King, LeMaster, Mann, McBee, McBride, McGill, Nett, O'Brien, Priddy, B. Richardson, P. Richardson, Robinson, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, White, Wible, Wooden, Yates. Nays 29-B. Adams, Blair, Boatwright, Brinkley, Burnette, Cooper, DeMarcus, Denham, Deskins, Floyd, Foster, Freeman, Givhan, Head, Holbrook, Hopkins, Hughes, Imes, Jones, Lindsay, Mason, May, Overstreet, Pearl, Richards, Sale, R. Turner, Wells, Wright.

**HB 822** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 822** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HR 94** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HR 94** be adopted.

**HR 94** was adopted by voice vote.

Representative B. Richardson moved that the vote by which **HR 94** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 629** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 629** be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-A. S. Adams.

**HB 629** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 629** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 660,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the Committee Amendment to **HB 660.** Agreed.

Representative Yates moved that **HB 660,** as amended, be passed.

On the roll call the vote was 63-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brinkley, Burnette, Clarke, Craddock, Cyrus, DeMarcus, Denham, Deskins, Donnermeyer, Doss, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, Romines, Sale, Siemens, Siler, Stewart, Tobin, J. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 0.

**HB 660,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 660,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 754** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **HB 754** be passed.

On the roll call the vote was yeas 47-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Craddock, Cyrus, DeMarcus, Denham, Deskins, Dietz, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Imes, Isler, Kenton, King, LeMaster, Mason, Morgan, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Stewart, J. Turner, Vincent, White, Wooden, Wright, Yates. Nays 23-W. Allen, Bendl, Beshear, Blair, Clarke, Cooper, Donnermeyer, Fitzgerald, Hardwick, Hopkins, Hughes, Lindsay, Little, Mann, May, McBee, McBride, Nett, Overstreet, Robinson, Siemens, Siler, Wible.

**HB 754** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 754** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Donnermeyer moved that consideration of **HB 772** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 823** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that **HB 823** be passed.

On the roll call the vote was yeas 53-Ackerson, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Boatwright, Bruce, Burnette, Clapp, Cooper, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hopkins, Hughes, Imes, Isler, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, O'Brien, Overstreet, Priddy, Richards, P. Richardson, Romines, Sale, Siemens, Siler, Stewart, J. Turner, R. Turner, Wible, Wright. Nays 2-McBride, Wooden.

**HB 823** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 823** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HCR 2** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **HCR 2** be adopted.

**HCR 2** was adopted by voice vote.

Representative B. Richardson moved that the vote by which **HCR 2** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Denham moved that **HJR 102** be recommitted to the Committee on Agriculture and Natural Resources. Agreed.

Representative B. Richardson moved that **HB 414** be recommitted to the Committee on Elections and Constitutional Amendments. Agreed.

**HB 68**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the Committee Amendment to **HB 68**. Agreed.

Representative Denham moved that **HB 68**, as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Brinkley, Brown, Bruce, Burnette, Carpenter, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, Wible, Wright. Nays 0.

**HB 68**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 68**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 715** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved the adoption of the following Floor Amendment No. 1 to **HB 715:**

Amend printed copy of **HB 715**, page 1, by deleting lines 1 through 19

and on page 2, by deleting lines 1 through 26

and on page 3, by deleting lines 1 through 26

and on page 4, by deleting lines 1 through 19

and on page 4, line 20, by deleting "2" and inserting in lieu thereof "1"

and on page 6, by deleting lines 7 through 26

and on page 7, by deleting lines 1 through 9

and on page 7, line 10, by deleting "5" and inserting in lieu thereof "2"

and on page 7, line 20, by deleting "6" and inserting in lieu thereof "3"

and on page 8, by deleting lines 1 through 17

and on page 8, line 18, by deleting "8" and inserting in lieu thereof "4"

and on page 9, line 1, by deleting "199.600" and inserting in lieu thereof "199.610"

Agreed.

Representative Lindsay moved the adoption of the following Floor Amendment No. 2 to **HB 715:**

Amend printed copy of **HB 715**, page 7, line 15, by inserting a bracket " [" after the word "Court" and before the semi-colon

and on page 7, line 17, by inserting a bracket "]" after the word "court" and before the period

and on page 8, line 21, by inserting after the word "appeal" the following: "to the Kentucky Court of Appeals"

and on page 8, line 22, by deleting the comma after the word "judgment" and by inserting in lieu thereof the word "or"

and on page 8, line 22, after the word "decree" by deleting ", or order"

and on page 8, line 24, by deleting the word "filing"

and on page 8, line 24, after the word "judgment" and before the comma by inserting the following: "or decree according to the Kentucky Rules of Civil Procedure" and on page 8, line 24, by deleting after the word "judgment" the following: ", decree or"

and on page 8, line 25, by deleting "order appealed from. Initials shall appear on the record"

and on page 8, line 26, by deleting "on appeal in place of the name of the child"

Agreed.

Representative DeFalaise moved that **HB 715**, as amended, be passed.

On the roll call the vote was yeas 69-Ackerson, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Burnette, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, P. Richardson, Romines, Sale, Schmidt, Siler, Stewart, Thomas, J. Turner, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 2-J. Allen, Little.

**HB 715**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 715**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore, presiding.

**HB 772** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that the rules be suspended to allow the time limit for filing Floor Amendment No. 1 to **HB 772** to be waived. Agreed.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 1 to **HB 772:**

Amend printed copy of **HB 772**, page 3, lines 14 and 15, delete bracket in front of word "five" on line 14, page 3;

and delete bracket after the word "cent" on line 15, page 3.

on line 15 after the word "coin" add "or a coin".

Agreed.

Representative Donnermeyer moved that **HB 772**, as amended, be passed.

On the roll call the vote was yeas 53-Ackerson, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Boatwright, Brinkley, Brown, Burnette, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Freeman, Gay, Gray, Hancock, Holbrook, Hopkins, Hughes, Isler, Kidd, King, LeMaster, Mann, May, McBee, McBride, McGill, Morgan, O'Brien, Overstreet, Priddy, Richards, P. Richardson, Romines, Sale, Schmidt, Stewart, Tobin, Thomas, R. Turner, Wooden, Yates. Nays 21-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Blair, Blandford, Blythe, Denham, Deskins, Doss, Foster, Hardwick, Jones, Mason, Pearl, B. Richardson, Siler, Stephens, J. Turner, Wible.

**HB 772**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 772**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 359** be sent to the Committee on Appropriations and Revenue. Agreed.

### Recess

Representative B. Richardson moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

### Orders of the Day (continued)

**SB 58**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 58**. Agreed.

Representative B. Richardson moved that **SB 58**, as amended, be passed.

On the roll call the vote was yeas 61-B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brinkley, Brown, Carpenter, Clapp, Craddock, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Hancock, Hughes, Imes, Isler, Kidd, King, Kleier, LeMaster, Little, Mann, May, McBee, McGill, Morgan, Nett, O'Brien, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wooden, Yates. Nays 26-Ackerson, A. S. Adams, W. Allen, Boatwright, Bruce, Burnette, Clarke, Cooper, Cyrus, Guenthner, Hardwick, Head, Holbrook, Hopkins, Lindsay, Mason, McBride, Morris, Overstreet, Pearl, Priddy, Rattliff, Robinson, Tobin, Wible, Wright.

**SB 58**, as amended, was passed and the title agreed to.

Representative King moved that the vote by which **SB 58**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Senate Message

Announcing passage of **SB 270, SB 271, SB 197**, and **HB 303.**

### Orders of the Day (continued)

Representative B. Adams moved that the rules be suspended for the purpose of requesting that he be recorded as voting "Yea" on **HB 687.** Agreed.

Representative B. Richardson moved that **HB 148** be recommitted to the Committee on Appropriations and Revenue. Agreed.

**HB 713** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 713:**

Amend printed copy of **HB 713,** page 4, line 19, after the word "two" by adding the words "*and one-half* ".

Agreed.

Representative B. Richardson moved that the rules be suspended to allow action on Floor Amendment No. 2 to **HB 713.** Agreed.

Representative Bruce moved the adoption of the following Floor Amendment No. 2 to **HB 713:**

Amend printed copy of **HB 713,** page 1, lines 14-20, and page 2, lines 1-11, by deleting the same and inserting in lieu thereof the following:

"(a) For new motor vehicles "retail price" shall be 90% of the manufacturer's suggested retail price of the vehicle with all equipment and accessories, standard and optional, and transportation charges."

and on page 2, line 12, by deleting "(e)" and inserting "(b)"

and on page 2, line 16, by deleting "(f)" and inserting "(c)"

and on page 3, line 4, by deleting "(g)" and inserting "(d)".

Agreed.

Representative Bruce moved that **HB 713,** as amended, be passed.

On the roll call the vote was yeas 90-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Brown.

**HB 713,** as amended, was passed and the title agreed to.

Representative Bruce moved that the vote by which **HB 713,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SCR 23** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blythe, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Floyd, Foster, Freeman, Gay, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Isler, Jones, Kidd, King, Kleier, Lindsay, Mann, Mason, May, McBee, Morris, O'Brien, Overstreet, Pearl, Rattliff, P. Richardson, Robinson, Romines, Sale, Schmidt, Siler, Stephens, Stewart, J. Turner, R. Turner, Vincent, Wells, White, Wooden, Wright, Yates. Nays 15-B. Adams, Beshear, Blume, Clarke, Doss, Fitzgerald, Gray, LeMaster, Little, McBride, Nett, Priddy, Richards, Tobin, Wible.

**SCR 23** was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 23** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 13,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved the adoption of Floor Amendment No. 1 to **SB 13:**

Amend printed copy of **SB 13,** page 2, after line 22, by adding the following:

"Section 2. KRS 138.460 is amended to read as follows:

(1) On and after July 1, 1972 a tax levied upon its retail price at the rate of five percent shall be paid on the use in this state of every motor vehicle, except those exempted by KRS 138.470, at the time and in the manner provided in this section. In the case of trucks of gross weight in excess of ten thousand pounds (10,000 lbs.) the tax shall be levied upon ninety percent of the retail price of the vehicle.

(2) The tax shall be collected by the county court clerk or other officer with whom the vehicle is required to be registered:

(a) When he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

(b) Or upon the transfer of ownership of any motor vehicle previously registered in this state.

(3) The tax collected by the county clerk under this section shall be reported and remitted to the department of revenue on forms provided by the department. The county clerk shall for his services in collecting the tax be entitled to retain an amount equal to two *and one-half* percent of the tax collected and accounted for.

(4) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, or transfer the ownership of any motor vehicle previously registered in this state, unless the owner or his agent pays the tax levied under this section in addition to the transfer, registration and license fees.

(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.

(6) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostat copy to the copy of the certificate of registration and ownership mailed to the department."

Agreed.

Representative Nett moved the adoption of the Committee Amendment to **SB 13.**

On the roll call the vote was yeas 43-Ackerson, Arnold, Bendl, Bennett, Beshear, Blandford, Blume, Blythe, Clarke, Craddock, Cyrus, Dietz, Doss, Dunn, Fitzgerald, Foster, Gray, Guenthner, Hancock, Hopkins, Imes, Isler, King, Kleier, LeMaster, Mason, McBride, Morgan, Morris, Nett, Pearl, P. Richardson, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, R. Turner, Vincent, Wible, Wooden, Yates. Nays 5-W. Allen, DeFalaise, Deskins, Richards, Wright.

The Committee Amendment to **SB 13** was adopted.

Representative Nett moved that **SB 13,** as amended, be passed.

On the roll call the vote was yeas 55-Ackerson, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Carpenter, Clarke, Cooper, Craddock, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Guenthner, Hancock, Head, Holbrook, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Mann, McGill, Morgan, Morris, Nett, O'Brien, Pearl, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stewart, Tobin, J. Turner, R. Turner, Wible, Wooden, Wright, Yates. Nays 22-B. Adams, S. Adams, J. Allen, W. Allen, Brinkley, Brown, Burnette, Cyrus, Deskins, Freeman, Gray, Hopkins, Imes, Little, Mason, McBee, McBride, Overstreet, Priddy, Richards, Robinson, Vincent.

**SB 13,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 13,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 116** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gay, Givhan, Gray, Guenthner, Head, Holbrook, Hopkins, Hughes, Isler, Jones, Kidd, King, LeMaster, Lindsay, Little, Mann, May, McBride, McGill, Morgan, Morris, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 9-Ackerson, W. Allen, Cyrus, Floyd, Hancock, Mason, Nett, Priddy, P. Richardson.

**SB 116** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 116** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 189,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 189.** Agreed.

Representative B. Richardson moved that **SB 189,** as amended, be passed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Isler, Jones, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 3-W. Allen, Guenthner, Priddy.

**SB 189,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 189,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 190** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Clarke, Cooper, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hughes, Isler, Jones, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Richards, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 9-Cyrus, DeMarcus, Denham, Hopkins, Imes, Lindsay, Pearl, Priddy, Tobin.

**SB 190** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 190** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 84** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Bruce, Burnette, Carpenter, Clarke, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Head, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Romines, Schmidt, Siemens, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright. Nays 7-

W. Allen, Guenthner, Imes, Overstreet, Priddy, Siler, R. Turner.

**SB 84** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 84** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 50** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **SB 50** be passed.

On the roll call the vote was yeas 73-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brown, Bruce, Burnette, Carpenter, Cooper, Cyrus, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, Morris, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 7-Bendl, Blume, Clarke, Fitzgerald, McBride, McGill, Priddy.

**SB 50** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 50** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker Pro Tempore vacated the Chair.

The Speaker resumed the Chair.

**SB 121** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **SB 121** be passed.

On the roll call the vote was yeas 75-Ackerson, B. Adams, J. Allen, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Siler, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 4-W. Allen, Imes, Priddy, Stephens.

**SB 121** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 121** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 29, HB 93, HB 205, HB 430, HB 562, HB 694,** and **HB 303** had been examined and found correctly enrolled. **HB 29, HB 93, HB 205, HB 430, HB 562, HB 694,** and **HB 303** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 29, HB 93, HB 205, HB 430, HB 562, HB 694,** and **HB 303** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Orders of the Day (continued)

**SB 144** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **SB 144** be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, A. S. Adams, J. Allen, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clarke, Craddock, DeFalaise, Denham, Deskins, Dietz, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hardwick, Head, Holbrook, Hopkins, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Morris, Pearl, Richards, P. Richardson, Robinson, Romines, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, White, Wible, Wooden, Wright. Nays 2-Cooper, Priddy.

**SB 144** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 144** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 151** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved that **SB 151** be passed.

Representative Guenthner moved that **SB 151** be laid on the table.

On the roll call the vote was yeas 9-Blythe, Cooper, Denham, Deskins, Guenthner, Overstreet, Priddy, Rattliff, Robinson. Nays 56-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Carpenter, Clarke, Craddock, Cyrus, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Head, Holbrook, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Little, Mann, Mason, McBee, McBride, Morgan, Pearl, Richards, B. Richardson, Siemens, Siler, Thomas, R. Turner, Wells, White, Wible, Wright, Yates.

The motion that **SB 151** be laid on the table was rejected.

On the roll call the vote was yeas 50-B. Adams, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Burnette, Carpenter, Clarke, Craddock, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Floyd, Givhan, Gray, Hancock, Head, Holbrook, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Mann, Mason, McBee, McBride, Morgan, Nett, O'Brien, Richards, B. Richardson, Romines, Schmidt, Stephens, Thomas, Wells, Wible, Wooden, Wright, Yates. Nays 27-A. S. Adams, J. Allen, Blythe, Bruce, Cooper, Cyrus, Denham, Deskins, Dunn, Fitzgerald, Freeman, Gay, Guenthner, Hopkins, Little, May, Morris, Overstreet, Pearl, Priddy, Rattliff, Robinson, Sale, Siemens, R. Turner, Vincent, White.

**SB 151** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 151** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 89,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rattliff moved the adoption of the Committee Amendment No. 1. Agreed.

Representative Isler moved the adoption of the following Floor Amendment No. 1 to **SB 89:**

Amend printed copy of **SB 89,** page 3, line 23, by inserting after "*twelve (12)*" the following: "*in public and private elementary and secondary schools*"

On the roll call the vote was yeas 27-Arnold, Bendl, Bennett, Blandford, Boatwright, Brinkley, Burnette, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Hancock, Isler, Jones, King, Mann, Morgan, Nett, P. Richardson, Schmidt, Siemens, White, Wible, Wooden. Nays 43-Ackerson, B. Adams, A. S. Adams, J. Allen, Beshear, Bevins, Blume, Blythe, Bruce, Carpenter, Clarke, Cooper, Craddock, DeMarcus, Doss, Foster, Freeman, Gay, Givhan, Gray, Hardwick, Head, Holbrook, Hopkins, Hurst, Imes, Kenton, Kidd, LeMaster, Little, Mason, McBride, McGill, Morris, Pearl, Rattliff, Richards, B. Richardson, Robinson, Sale, Siler, R. Turner, Vincent.

The Floor Amendment No. 1 to **SB 89** was rejected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **SB 89:**

Amend printed copy of **SB 89,** page 1, by adding before line 1 the following:

"SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as "The Rattliff-Ward Textbook Act of 1976."

and by renumbering the remaining sections of the bill to conform. Agreed.

Representative B. Richardson moved that **SB 89,** as amended, be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Morris, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, White, Wible, Wooden, Wright, Yates. Nays 4-Clarke, Hancock, Priddy, Schmidt.

**SB 89,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 89,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 1** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morris, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 3-J. Allen, Carpenter, Priddy.

**SB 1** was passed and the title agreed to.

Representative B. Richardsonentative B.
Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason moved that the vote by which **SB 1** was passed be reconsidered and said
motion be postponed indefinitely. Agreed.

**SB 70** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 70:**

Amend printed copy of **SB 70,** page 2, after line 19, by adding the words:

"A new section of subtitle 34 of KRS Chapter 304 is created to read as follows:

The provisions of any statute to the contrary notwithstanding, the Commissioner of the Department of Insurance may return to any bail bondsman securities theretofore deposited with the custodian of Insurance Securities pursuant to the requirements of KRS 304.34-040 provided that the maximum ratio of undischarged bail bond liability to unencumbered surplus securities which are on deposit with the custodian of Insurance Securities is maintained as provided under sub-section (3) of KRS 304.34-040 and the regulations promulgated thereunder."

Agreed.

Representative B. Richardson moved that **SB 70,** as amended, be passed.

On the roll call the vote was yeas 71-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Hopkins, Hughes, Hurst, Isler, Jones, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 9-Blythe, Burnette, Freeman, Holbrook, Imes, Lindsay, Priddy, Tobin, Thomas.

**SB 70,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 70,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Committees. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day (continued)

Representative B. Richardson moved that consideration of **SB 139** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 805,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved the adoption of Committee Amendment No. 1 to **HB 805.**

Representative Lindsay moved that **HB 805** be laid on the table.

On the roll call the vote was yeas 39-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Blythe, Burnette, Carpenter, Clarke, Cooper, Craddock, DeFalaise, DeMarcus, Denham, Floyd, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Hardwick, Head, Hopkins, Hughes, Imes, Jones, Lindsay, Mason, McBride, Overstreet, Pearl, Rattliff, Richards, P. Richardson, Stephens, Tobin, Vincent, Wright. Nays 35-Bendl, Bennett, Benson, Beshear, Blandford, Blume, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Holbrook, Isler, Kenton, Kidd, King, Kleier, LeMaster, Mann, McBee, McGill, Morgan, Morris, Nett, Priddy, Romines, Siemens, Siler, Thomas, R. Turner, Wells, Wible, Wooden, Yates.

**HB 805** was tabled.

**SB 139** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved that **SB 139** be passed.

Representative Beshear moved that **SB 139** be laid on the table.

On the roll call the vote was yeas 40-B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brown, Carpenter, Clarke, Craddock, Denham, Doss, Foster, Gay, Hancock, Holbrook, Hopkins, Jones, Kidd, King, Kleier, LeMaster, Mann, Mason, McBride, McGill, Nett, Pearl, Richards, B. Richardson, P. Richardson, Schmidt, Tobin, R. Turner, White, Wible, Wooden. Nays 28-Ackerson, J. Allen, W. Allen, Bennett, Brinkley, Bruce, Burnette, Clapp, Cyrus, DeFalaise, Deskins, Dunn, Guenthner, Hughes, Imes, Isler, Lindsay, Little, Morris, O'Brien, Priddy, Rattliff, Robinson, Romines, Siemens, Siler, Wright, Yates.

**SB 139** was tabled.

Representative B. Richardson moved that all remaining Bills and Resolutions be deferred and that they retain their position in Orders of the Day. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 12 noon, March 16, 1976. Agreed.

## Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended to allow one hour for meetings of committees on March 16, 1976. Agreed.

Representative P. Richardson moved the adoption of the following **HR 116:**

**HR 116,** by Representatives P. Richardson, Denham and Arnold:

**HR 116,** A RESOLUTION in memory of Garvice Delmar Kincaid.

WHEREAS, Garvice Delmar Kincaid rose to financial prominence in the Commonwealth of Kentucky and epitomized the ideals established by the late Horatio Alger; and

WHEREAS, his presence in the business world of this Commonwealth and the United States certainly brought nothing but credit to the state and nation; and

WHEREAS, he did, as often as possible, share his wealth with those less fortunate, bringing joy and happiness to thousands; and

WHEREAS, he provided, through his vast resources, educational opportunities which otherwise might have eluded a great number of promising young Kentuckians;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns Monday, March 15, 1976 it does so in honor and memory of the late Garvice Delmar Kincaid, who departed this life November 21, 1975.

Section 2. That copies of this resolution be sent to members of his immediate family.

**HR 116** adopted by voice vote.

Representative Foster moved the adoption of the following Legislative Citation No. 50:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Russellville High School Speech and Drama Club and applauds their numerous accomplishments during the 1975-76 season. This body commends the multi-talented individual team members and Coach Jim Turner for their successful competitive appearances and dramatic productions. This body further congratulates these fine young people on attaining top honors in several tournaments and extends to them best wishes in their future endeavors. (Sponsored by Representative Foster)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 52:

The House of Representatives of the Commonwealth of Kentucky hereby honors D. A. Ryan of Lewisburg, Kentucky, for serving as timekeeper for the Lewisburg High School Rangers basketball team for forty-seven years. This body acknowledges Mr. Ryan's dedicated support and the invaluable service he has provided the Lewisburg High School Athletic Program and extends sincere best wishes to him in his future endeavors. (Sponsored by Representative Foster)

Agreed.

Representative Hancock moved that **HB 771** be taken from Orders of the Day and laid on the table.

Representative Mann moved that the House adjourn.

On the roll call the vote was yeas 7-W. Allen, Benson, Donnermeyer, LeMaster, Mann, Priddy, Schmidt. Nays 42-B. Adams, Bendl, Bevins, Blume, Blythe, Brown, Burnette, Carpenter, Clapp, Deskins, Doss, Foster, Gay, Givhan, Guenthner, Hancock, Hardwick, Holbrook, Hughes, Hurst, Isler, Kenton, King, Kleier, Mason, May, McBride, McGill, Morgan, Morris, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Siemens, Tobin, R. Turner, Vincent, Wible, Wright.

The motion to adjourn was rejected.

Representative Donnermeyer moved that the House recess for ten minutes.

On the roll call the vote was yeas 7-Benson, Clapp, DeFalaise, Donnermeyer, King, LeMaster, Mann. Nays 44-B. Adams, W. Allen, Bendl, Beshear, Bevins, Blume, Blythe, Brown, Burnette, Carpenter, Deskins, Doss, Foster, Gay, Givhan, Guenthner, Hancock, Hardwick, Holbrook, Hopkins, Hughes, Hurst, Imes, Kenton, Kleier, Lindsay, Mason, May, McBride, McGill, Morgan, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Schmidt, Tobin, R. Turner, Vincent, Wible, Wright.

The motion that the House recess was rejected.

On the roll call the vote was yeas 35-B. Adams, W. Allen, Blume, Blythe, Brinkley, Brown, Burnette, Carpenter, Deskins, Doss, Fitzgerald, Gay, Guenthner, Hancock, Head, Holbrook, Hurst, Imes, Kidd, LeMaster, Lindsay, Mason, May, McBride, O'Brien, Overstreet, Pearl, Rattliff, Richards, P. Richardson, Schmidt, Tobin, White, Wible, Wright. Nays 26-Bendl, Benson, Boatwright, Clapp, DeFalaise, Dietz, Donnermeyer, Givhan, Hardwick, Hughes, Isler, Kenton, King, Kleier, Mann, McGill, Morgan, Nett, Priddy, B. Richardson, Robinson, Siemens, R. Turner, Vincent, Wells, Wooden.

The motion that **HB 771** be taken from Orders of the Day and laid on the table was adopted.

Representative Hardwick requested that he be recorded as voting "yea" on HB 366 and **HJR 75.**

## Senate Message

Announcing passage of **SB 354, SB 375, SB 126, SB 61, HB 338** with Amendment, **HB 731, HB 678, HB 447, HB 1, HB 583, HB 172, HB 444, HB 540, HR 13,** and **SR 41.**

## Motions, Petitions and Communications (continued)

Representative Mann moved the adoption of the following **HR 119:**

**HR 119,** by Representative Mann:

**HR 119,** A RESOLUTION directing the staff of the Legislative Research Commission, through the members of the Interim Joint Committee on Business Organizations and Professions, to study certain issues related to the Committee's jurisdiction.

WHEREAS, the 1976 Session of the General Assembly has dealt with much legislation that raises more issues than it will solve problems; and

WHEREAS, many such issues fall within the jurisdiction of the Committees on Business Organizations and Professions, namely the need for particular professional services in different areas of the Commonwealth; the effectiveness of state regulation of licensed professions and occupations, the regulation and control of alcoholic beverages; the value of various retail trade practices; the feasibility of licensing and taxing bingo; and the need to regulate cable television; and

WHEREAS, these issues, because they concern the public health, safety and welfare, deserve the attention and scrutiny of the legislative branch of government; and

WHEREAS, the Interim Joint Committees of the Legislative Research Commission can be proper and effective vehicles for detailed analysis of and the preparation of legislation to deal with such issues;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) That the staff of the Legislative Research Commission, through the members of the Interim Joint Committee on Business Organizations and Professions, study the following issues related to the jurisdiction of the Committee.

(a) The administration and funding of the state professional and occupational licensing boards and commissions assigned to the Division of Occupations and Professions under KRS 42.066, including, but not limited to, the regulation of the professions and occupations licensed by such boards and commissions, the need for continuing education by the licensed professions and occupations, the availability and need for licensed professions and occupations in different geographic areas of the Commonwealth and the delivery of professional services by the licensed professions and occupations;

(b) The production, distribution and use of alcoholic beverages, including, but not limited to, the regulation, control and taxation of alcoholic beverages and persons licensed to traffic in alcoholic beverages;

(c) Retail trade practices, including, but not limited to, retail sales and pricing practices, warranties and mechanic's and materialmen's liens;

(d) The feasibility of licensing and taxing bingo for charitable and civic purposes; and

(e) The commercial cable television business and the need, if any, to license and regulate cable television systems in the Commonwealth.

(2) Such study shall include, but not be limited to, the gathering of information, research and analysis and, as the Interim Joint Committee on Business Organizations and Professions may determine, the holding of public hearings on particular issues, recommendations for administrative or procedural changes and the preparation of appropriate legislative proposals for the 1978 Regular Session of the General Assembly.

Section 2. That the various state professional and occupational licensing boards and commissions and other state agencies are directed to cooperate, to make available, upon request, such documents, data and records as are relevant, and to provide full assistance to the Legislative Research Commission in this study.

Section 3. That a report of the findings of such study, together with the recommendation of the Interim Joint Committee on Business Organizations and Professions resulting therefrom, be submitted to the Legislative Research Commission and the General Assembly by October 1, 1977.

Section 4. Staff services to be utilized in completing this study are estimated to cost $30,000. These staff services shall be provided from the regular Legislative Research Commission budget and are subject to the limitations and other research responsibilities of the Commission.

Agreed.

Representative Kleier moved the adoption of the following **HR 117:**

**HR 117,** by Representatives Kleier and Overstreet:

**HR 117,** A RESOLUTION directing the Interim Joint Committee on Health and Welfare to create a subcommittee to study the effectiveness of employment, training and job placement programs for public assistance recipients and to consider the feasibility of implementing and funding the Community Work Experience Program.

WHEREAS, there is growing public concern about the increasing numbers of persons who are relying on public assistance benefits for their major source of income; and

WHEREAS, little data is provided to the general public as to the number of recipients of public assistance programs who become self-supporting either through their own or departmental effort; and

WHEREAS, carefully planned work and training programs, if made available to public assistance recipients, can assist those persons to secure employment and to enable them to live independently of any means of governmental support with a concurrent reduction in welfare expenditures; and

WHEREAS, a study of work and training programs, administered by the department for human resources, and available to public assistance recipients, is needed in order to determine their effectiveness and problem areas; and

WHEREAS, the 1974 General Assembly did enact legislation to permit the establishment of a Community Work Experience Program for public assistance recipients in designated geographic areas throughout the Commonwealth and to date the department for human resources has not implemented any such work programs;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Interim Joint Committee on Health and Welfare is hereby directed to create a subcommittee to study the effectiveness of employment, training and job placement programs administered by the department for human resources and available to public assistance recipients and to consider the feasibility of implementing and funding the Community Work Experience Program.

Section 2. That the subcommittee shall review and evaluate the effectiveness of required and permissive employment, training and job placement programs for public assistance recipients, identify any factors prohibiting public assistance recipients from participating in or completing such employment, training and job placement programs, study any successful approaches to employment, training and job placement for public assistance recipients which are utilized in other states, and consider the feasibility of implementing and funding the Community Work Experience Program including the statutory provision which permits pilot programs to be developed to which public assistance recipients who are referred by the department for human resources would be required to participate as a condition of receiving public assistance.

Section 3. That the subcommittee shall be composed of five members of the Interim Joint Committee on Health and Welfare who shall be appointed by the Chairman of the Interim Joint Committee on Health and Welfare at the time of the first meeting of such Interim Joint Committee. The subcommittee members shall elect a chairman and vice-chairman. The subcommittee shall hold at least six meetings and shall recommend any needed changes in departmental policies, procedures and funding concerning the employment, training and job placement of public assistance recipients to the Interim Joint Committee on Health and Welfare and shall make any needed recommendations concerning the feasibility of implementing and funding the Community Work Experience Program to the Interim Joint Committee on Health and Welfare no later than six months prior to the 1978 regular session of the General Assembly. Members shall receive their regular interim per diem and shall be reimbursed for all necessary expenses.

Section 4. That the Legislative Research Commission shall assign a staff member to assist the subcommittee and shall provide meeting room facilities. All cabinets, agencies and departments of state government shall provide full assistance and information to the Legislative Research Commission and to the subcommittee upon request.

Section 5. Staff services and expenses of the subcommittee to be utilized in completing the requirements of this resolution are estimated to cost $6,500. These staff services and subcommittee expenses shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

Agreed.

Representative Freeman moved the adoption of the following **HR 118:**

**HR 118,** by Representative Freeman:

**HR 118,** A RESOLUTION urging display of flags at half-mast.

WHEREAS, eleven men remain entombed in that tragic sequence of events at Scotia Mine No. 1; and

WHEREAS, all Kentuckians grieve sorely at the loss of these fine, brave men, who delivered the final measure of devotion to their fellows; and

WHEREAS, a fitting and uncommon tribute to these uncommon men would be a mass display of flags at half-mast across this Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That those officials and agencies throughout Kentucky responsible for display of the flag, U.S., state or local, are hereby urged and beseeched to display such flags at half-mast until March 20, 1976, in honor and memory of the following men who remain entombed at Scotia Mine No. 1.

Kenneth Kiser, Coeburn, Va.
Richard Sammons, Auxier
Grover Tussey, Alan
James O. Williams, Hindman
Monroe Sturgill, Whitesburg
Don Creech, Sr., Cumberland
J. B. Holbrook, Millstone
John Hackworth, Cumberland
Don Polly, Mayking
James Sturgill, Eolia
Glen Barker, Partridge

Section 2. That the Clerk is directed to transmit a copy of this resolution to the families of these men.

Agreed.

Representative B. Richardson moved that the rules be suspended for Reference of Bills and Resolutions, Report of Committees, and Introduction of Resolutions. Agreed.

## Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Business Organizations and Professions: **SB 375.**

Education: **SB 354.**

Judiciary-Statutes: **SB 230, SB 126.**

State Government: **SB 197, SB 270, SB 271, SR 41.**

Public Utilities and Transportation: **SB 61.**

## Report of Committees

The Committee on Health and Welfare reported **SB 294** with Committee Amendment attached thereto, **SB 341** with Committee Amendment attached thereto, **SR 25,** and SB 347 with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 294,** AN ACT relating to parole.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 439.340 is amended to read as follows:

(1) The board may release on parole such persons confined in any adult state penal or correctional institution of Kentucky as are eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as practicable after his admission and at such intervals thereafter as it may determine, the Bureau of Corrections shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. Such information shall include his criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. The Bureau of Corrections shall furnish the circumstances of his offense and his previous social history to the institution and the board. The Bureau of Corrections shall prepare a report on such information as it obtains. It shall be the duty of the Bureau of Corrections to supplement this report with such material as the board may request and submit such report to the board.

(2) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner and shall have him appear before it, or one or more members for interview and hearing, *except that the board in its discretion may request the parole board of a state confining prisoners pursuant to KRS 196.610 to interview eligible prisoners and make a parole recommendation to the board.* A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes he is able and willing to fulfill the obligations of a law abiding citizen.

(3) The board shall adopt such rules or regulations as it may deem proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole hearings, or conditions to be imposed upon parolees. Regulations governing the eligibility of prisoners for parole shall be in accordance with prevailing ideas of correction and reform.

(4) Whenever an order for parole is issued it shall recite the conditions thereof.

The Committee Amendment to **SB 294** is as follows:

Amend printed copy of **SB 294,** page 2, line 7, by adding after the words "*of a*" the word "*another*"

**SB 341,** AN ACT relating to prescription drugs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

It is the intent of this Act to control the illegal possession and sale of prescription drugs other than controlled substances. The General Assembly recognizes that such drugs are abused and that their possession and sale should be strictly regulated.

SECTION 2. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Kentucky Prescription Drug Control Act of 1976."

SECTION 3. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1) "Prescription drug" means any drug other than a controlled substance as defined by KRS 218A.010(2) that federal law requires to bear upon its label the statement "Caution: Federal law prohibits dispensing without prescription."

(2) "Counterfeit Prescription Drug" means a prescription drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person who in fact manufactured, processed, packed or distributed such drug and which thereby falsely purports, or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor.

(3) "Person" includes any corporation, association, partnership, or one (1) or more individual.

(4) "Pharmacist" means any person licensed as such by the Kentucky board of pharmacy.

(5) "Pharmacy" means any establishment that has been issued a valid and effective permit by the Kentucky board of pharmacy as provided in KRS 315.035.

(6) "Practitioner" means any person licensed under the professional laws of this state to prescribe and administer medicine or drugs.

(7) "Transfer" means to dispose of a prescription drug to another person without consideration and not in furtherance of commercial distribution.

SECTION 4. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

(1) No person shall possess any prescription drug except as authorized under the provisions of this Act.

(2) No person shall sell, dispense, prescribe, administer, or transfer any prescription drug except as authorized under the provisions of this Act.

(3) No person shall:

(a) Obtain or attempt to obtain a prescription drug, or procure or attempt to procure the administration of a prescription drug by fraud, deceit, misrepresentation or subterfuge or by the forgery or alteration of a prescription, or by the concealment of a material fact, or by the use of a false name or the giving of a false address;

(b) Wilfully make a false statement regarding any prescription drug;

(c) For the purpose of obtaining a prescription drug, falsely assume the title of or represent himself to be a manufacturer, wholesaler, distributor, repacker, pharmacist, practitioner, or other authorized person;

(d) Make or utter any false or forged prescription for a prescription drug; or

(e) Affix any false or forged label to a package or receptacle containing any prescription drug.

(4) No person shall bring into, or cause to be brought into, or possess, use, or sell, upon the premises of any jail or penal institution within the commonwealth of Kentucky any prescription drug in violation of the provisions of this Act.

(5) No person shall knowingly possess, manufacture, sell, dispense, prescribe or administer any counterfeit prescription drug.

SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

(1) Duly licensed pharmacists, in good faith and only in the course of their professional practice, may possess, sell, dispense and furnish any prescription drug only upon the prescription of a practitioner.

(2) All such prescriptions shall be numbered, filed and retained for at least two (2) years. No such prescription shall be refilled except upon authorization of the prescribing practitioner. A record shall be kept of all such refills for at least two (2) years.

(3) Nothing in this section shall be construed to prohibit a pharmacist from obtaining a prescription drug from another pharmacist in good faith for the purpose of filing a prescription of a practitioner.

SECTION 6. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

A practitioner, in good faith and only in the course of his professional practice, may possess prescription drugs in reasonable amounts, and administer and dispense them to his patients.

SECTION 7. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

Manufacturers, wholesalers, distributors, and repackers licensed by the federal government may, in good faith and only in the course of their legitimate business, possess prescription drugs for such purposes and may sell and distribute them accompanied in each case with an invoice or bill of sale, a copy of which shall be retained, to the following:

(1) Pharmacist and pharmacies;

(2) Practitioners;

(3) To persons engaged in lawful research, teaching, or testing of prescription drugs which are not for sale;

(4) Hospitals that have been issued a pharmacy permit; and

(5) Authorized representatives of federal, state and local governments.

SECTION 8. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

No representative of any manufacturer, wholesaler, distributor or repacker shall distribute any prescription drug as a sample without the written request of the practitioner. The requests shall contain the names and addresses of the supplier and the practitioner and the name and quantity of the specific prescription drug desired. A copy of such requests shall be filed by the supplier with the office of narcotic and drug control, department for human resources, within a reasonable length of time, if so requested by the office of narcotic drug control.

SECTION 9. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

The secretary for human resources shall make such rules and regulations as are deemed necessary to carry out the intent and purpose of this Act.

SECTION 10. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates any provision of subsection (1) of Section 4 of this Act shall, for the first offense, be confined in the county jail for not more than six (6) months or be fined not more than five hundred dollars ($500), or both, and for each subsequent offense shall be confined in the county jail for not more than one (1) year or be fined not more than one thousand dollars ($1,000), or both.

(2) Any person who violates any provisions of subsections (2), (3), (4) or (5) of Section 4 of this Act shall, for the first offense, be confined in the county jail for not more than one (1) year or be fined not more than one thousand dollars ($1,000), or both, and for each subsequent offense shall be confined in the county jail for not more than one (1) year or be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000), or both.

The Committee Amendment to **SB 341** is as follows:

Amend printed copy of **SB 341,** page 5, lines 21-26, and on page 6, lines 1-10, by deleting Section 8 and Section 9 in their entirety.

and on page 6, line 11, by renumbering Section 10 to read as "Section 8".

**SR 25,** A JOINT RESOLUTION creating the Commission on the Legal Rights of Mentally Retarded Persons.

WHEREAS, Mental Retardation strikes approximately 3% of Kentucky's population and resultantly affects 1 in 10 families in the Commonwealth; and

WHEREAS, a person who is mentally retarded is often partially or totally unable to manage his own personal, financial, and legal affairs; and

WHEREAS, a person, by virtue of his mental retardation, is also often unable to be aware of and act in his own behalf to assure that his legal and civil rights are not denied in the management of his affairs; and

WHEREAS, such incapacity to manage or assure proper management of his affairs usually results in the necessity for others to perform such management for him; and

WHEREAS, there is evidence that the power of a non-retarded person to provide such personal, financial and legal management for another person is an awesome power, and one which is subject to abuse if proper legal safeguards against such abuse are not in force; and

WHEREAS, it is the intent of the Constitutions of the Commonwealth and the United States that none of a person's legal and civil rights be abused or removed without due process of law;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Commission on the Legal Rights of Mentally Retarded Persons is hereby created to study the statutory provisions regarding the appointment, powers and duties of a committee, guardian and curator as they apply to mentally retarded persons, to investigate the state of individual rights granted to mentally retarded persons whether residing within institutional or community based settings and to report such findings to the 1978 Regular Session of the General Assembly.

Section 2. That the Commission shall examine the possible denial of statutory rights provided to adjudicated mentally retarded persons, investigate the implementation of the statutory duties required of a committee, guardian or curator as they apply to mentally retarded persons and explore the development of statutory guidelines for determining the type and degree of personal, financial and legal management needed by a mentally retarded person based upon his degree of incapacity.

Section 3. That the Commission shall be composed of eight members. Membership shall include two members of the Interim Joint Committee on Health and Welfare and two members of the Interim Joint Committee on Judiciary who shall be appointed by the Legislative Research Commission. In addition, the Kentucky Association for Retarded Citizens and the Kentucky Chapter of the American Association on Mental Deficiency shall appoint two members each to serve as members of the Commission. The members of the Commission shall serve until the 1978 Regular Session of the General Assembly.

Section 4. That Commission members shall be appointed within sixty days of the effective date of this resolution. Within ninety days of the effective date of this resolution, those members who have been appointed shall meet to organize and to commence work. The Commission members shall elect a chairman and vice-chairman. The Commission shall meet on a regular basis and shall report their findings and any legislative proposals no later than ninety days prior to the 1978 regular session. Members shall serve without compensation but shall be reimbursed for all necessary expenses.

Section 5. That the Legislative Research Commission shall assign a staff member to assist the Commission and shall provide meeting room facilities. All cabinets, agencies and departments of state government shall provide full assistance and information to the Legislative Research Commission and to the Commission upon request.

**SB 347,** AN ACT relating to services for the aging.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) To foster continued participation of older people in family and community life and to lessen the need for institutional care, the department for human resources may use available funds, and promote the use of available or potential area and community resources, for the delivery of in-home type services to the aging by contract with regional, local, community or private agencies and individuals, including relatives of patients and clients, to provide homemaker services, home-help therapy, day-care, home-delivered meals, transportation, health services, foster care, and other essential services.

(2) The department shall provide for the collection of fees from aging patients or clients for in-home type services received. Such fees shall not exceed the cost of the service and shall take into consideration the ability of the client or patient to pay. Fees shall not be collected from any person who is "needy aged" as defined in KRS 205.010. The department shall exercise care to assure that contract services rendered are of acceptable quality and reasonably priced.

(3) The services to the aging authorized under this section, except those rendered in lieu of institutional care, shall be in addition and supplementary to any service the client or patient may be entitled under any other federal, state or local law or regulation or governmental program.

The Committee Substitute to **SB 347** is as follows:

**SB 347,** AN ACT relating to services for the aging.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The duties of the department for human resources shall be to:

(1) Promote and aid in the establishment of local programs and services for the aging;

(2) Conduct programs to educate the public as to problems of the aging;

(3) Review existing state programs and services for the aging and to make recommendations to the governor, to the appropriate department and agencies of the state, and to the legislature for improvements in and additions to such programs and services;

(4) Assist and encourage governmental and private agencies to coordinate their efforts on behalf of the aging;

(5) Conduct and encourage other organizations to conduct studies concerning the aging;

(6) Establish, in selected areas and communities of the state, programs of services for the aging to demonstrate the value of such programs, and to encourage local agencies to continue the programs and to create new services where needed. Emphasis shall be given to services designed to foster continued participation of older people in family and community life and to lessen the need for institutional care;

(7) Cooperate with the federal government and with the governments of other states in programs relating to the aging.

SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The secretary of the department for human resources shall be empowered to accept and expend gifts and grants from any source. Such moneys shall go into a trust and agency fund to be administered by the department in furtherance of the purposes of the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) The secretary for the department for human resources is authorized to provide, within budgetary limitations, for in-home services to the aging to include, but not necessarily limited to: homemaker services; home-help therapy services; day-care services; home-delivered meal services; transportation services; foster care services; and health services.

(2) The department is authorized to collect fees for services rendered pursuant to this section in accordance with a fee schedule adopted by the secretary for human resources. Such fee schedule shall take into consideration the ability of the patient or client to pay for such services. Fees shall not be collected from any person who is "needy aged" as defined by KRS 205.010.

(3) The secretary is authorized to utilize and promote available or potential community resources for the delivery of services to the aging and shall, when he deems appropriate, contract for services with local, community, private agencies, and individuals, including relatives of patients and clients, when such services would not otherwise be available without cost.

(4) The services to the aging authorized under this section are in addition and supplementary to any services the aging may be entitled under any other federal, state or local governmental law, regulation or program.

SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The department for human resources, unless otherwise directed by an Executive Order of the Governor, is designated the agency of this state for the purpose of administering the Older American Act of 1965, Public Law 89-73, including all amendments thereto.

Section 5. KRS 211.550 and 211.560 are repealed.

The Committee on Appropriations and Revenue reported **SB 359,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

The Committee Amendment No. 2 to **SB 359** is as follows:

Amend printed copy of **SB 359,** page 3, after line 22, by inserting the following:

### "PART TWO

Section 1. KRS 7.090 is amended to read as follows:

(1) There is hereby created a legislative research commission composed of the president pro tem of the senate, the assistant president pro tem of the senate, the speaker of the house of representatives, the speaker pro tempore of the house of representatives, the majority and minority floor leaders of the senate and the house of representatives, the majority and minority party whip of the senate, the majority and minority party whip of the house, [and] the majority and minority caucus chairmen of the senate and house of representatives *and two at large members of the house of representatives and two at large members of the senate. At large members shall be selected by the ex officio members of the commission at the April, 1976 meeting. Subsequently, at large members shall be selected at the initial commission meeting in even numbered years.* Any vacancy in the commission shall be filled by the remaining members thereof, Provided, if the vacancy is in the membership of the house of representatives then the successor shall be from the house, and if the vacancy is from the senate membership of the commission then the successor shall be from the senate.

A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. *A chairman and vice-chairman shall be elected from the commission membership by a vote of the commission at its regular meeting in April, 1976. The chairman and vice-chairman shall serve until the regular January meeting in 1978 at which time the commission chairman and vice-chairman shall be elected to serve for regular, two-year terms commencing with the initial commission meeting in even numbered years. The vice-chairman shall preside at commission meetings and shall assume the duties of the chairman whenever a vacancy occurs in the chairmanship.* [The president pro tem of the senate and the speaker of the house of representatives shall serve as co-chairmen of the commission.]

(2) The legislative research commission shall meet during regular and special sessions of the general assembly, and during the intervals between sessions at such times and places as the *chairman* [co-chairmen] may determine. Meetings of the commission shall be called by the *chairman* [co-chairmen] on *his* [their] own initiative, or at the written request of any three (3) members of the commission. For attending meetings between sessions, whether regular or special, of the general assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars ($25.00) per day except as provided in KRS 6.225.

(3) The commission shall appoint a director, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by the commission. The commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.

(4) Any professional, clerical or other employes required by any committee appointed by the general assembly shall be provided to the committee by the legislative research commission. The chairman of the committee shall advise the director of the legislative research commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the legislative research commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

(7) The Legislative Research Commission shall constitute administrative offices for the General Assembly and the Director shall serve as administrative officer for the Assembly when it is not otherwise in session.

Section 2. Whereas, the commission will meet soon after the general assembly adjourns *sine die*, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor."

The Committee on Business Organizations and Professions reported **SB 188**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 188**, AN ACT relating to mobile homes and recreational vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 227.550 is amended to read as follows:

As used in KRS 227.560 to 227.660 and 227.992, unless the context requires a different definition:

(1) "Mobile home" means a movable or portable unit constructed to be moved from place to place on the public streets or highways and designed to permit the permanent or temporary occupancy therein for the purpose of use as a place of residence, business, profession, or trade by the owner, lessee or their assigns and which can be connected to electric, water, gas, sewage and telephone facilities. It may consist of one or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include housetrailers which are regulated as to length, width and registration by KRS chapter 186.

(2) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. *The basic entities are: Travel trailer, camping trailer, truck camper and motor home.*

*(a) Travel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than 220 square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.*

*(b) Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.*

*(c) Truck Campers: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.*

*(d) Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.*

(3) "Seal" means a device or insignia issued by the office to indicate compliance with the standards, rules and regulations established by the office or the board for mobile homes and recreational vehicles.

(4) "Class B seal" means a seal issued pursuant to subsection (3) of KRS 227.600.

(5) "Dealer" means any person, other than a manufacturer, as defined herein, firm or corporation, who sells or offers for sale three (3) or more mobile homes or recreational vehicles in any consecutive twelve (12) month period.

(6) "Manufacturer" means any person who manufactures mobile homes or recreational vehicles and sells to *Kentucky* dealers.

(7) "Office" means the office of the state fire marshal.

(8) "Board" means the mobile homes certification and licensure board *or the recreational vehicle certification and licensure board.*

(9) "NFPA 501 (B)" means that section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes.

(10) "NFPA 501 (C)" means that section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.

(11) "Established place of business" means a fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a [mobile home] dealer, which shall include the books, records, files and equipment necessary to properly conduct such business, or a building having sufficient space therein [to properly show and display the mobile homes being sold and] in which the functional duties of a [mobile home] dealer may be performed. The place of business shall not consist of a residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.

Section 2. KRS 227.560 is amended to read as follows:

(1) There is hereby created the mobile home certification and licensure board which shall issue certificates of acceptability to qualifying manufacturers and licenses to dealers.

(2) The board shall consist of the state fire marshal, the secretary of the department of transportation, the commissioner of the bureau for health services, or their designees, and six (6) citizens of the commonwealth appointed by the governor, which shall include [one (1) manufacturer of mobile homes,] *three (3)* [one (1)] mobile home dealers, [and one (1) recreational vehicle dealer,] and three (3) members who shall have no interest in the industry to be regulated.

(3) The state fire marshal, the secretary of the department of transportation, and the commissioner of the bureau for health services shall be permanent members of the board, by virtue of their respective offices. The appointed members of the board shall hold office for terms of four (4) years with their terms expiring on September 1 of even numbered years. Each member shall hold office until his successor is appointed and has qualified.

(4) In the initial appointments to the board, the governor shall designate three (3) members to serve for two (2) years, and three (3) to serve for four (4) years.

(5) If a vacancy occurs in the office of one of the members of the board, the position shall be filled by a person appointed by the governor, and the person so appointed shall serve only to the end of the unexpired term.

(6) The chairman of the board shall be the state fire marshal. In the event of the chairman's absence or disability, the members of the board shall elect a temporary chairman by a majority vote of those present at a meeting.

(7) Each appointed member shall be entitled to $25 for each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing or other authorized business. Each member of the board shall also be entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

reimbursement for travel and other necessary expenses incurred in performing official duties.

(8) The chairman, or in his absence a temporary chairman selected by the members of the board present at the meeting, shall preside at all meetings of the board. The board shall have regular meetings at times specified by a majority vote of the board. The chairman may call special meetings at any time. He shall call a special meeting on written request by two or more members of the board. A majority of the board shall constitute a quorum to transact business.

(9) All staff assistance deemed necessary by the board to carry out the functions and duties assigned to it in KRS 227.550 to 227.660 shall be provided by the office and shall function under the supervision of the administrative head of the office.

SECTION 3. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created the recreational vehicle certification and licensure board which shall issue certificates of acceptability to qualifying manufacturers and licenses to dealers.

(2) The board shall consist of the state fire marshal, the secretary of the department of transportation, the commissioner of the bureau for health services, or their designees, and six (6) citizens of the commonwealth appointed by the governor, which shall include one (1) manufacturer of recreational vehicles and two (2) recreational vehicle dealers, and three (3) members who shall have no interest in the industry to be regulated.

(3) The state fire marshal, the secretary of the department of transportation, and the commissioner of the bureau for health services shall be permanent members of the board, by virtue of their respective offices. The appointed members of the board shall hold office for terms of four (4) years with their terms expiring on September 1 of even numbered years. Each member shall hold office until his successor is appointed and has qualified.

(4) In the initial appointments to the board, the governor shall designate three (3) members to serve for two (2) years, and three (3) to serve for four (4) years.

(5) If a vacancy occurs in the office of one (1) of the members of the board, the position shall be filled by a person appointed by the governor, and the person so appointed shall serve only to the end of the unexpired term.

(6) The chairman of the board shall be the state fire marshal. In the event of the chairman's absence or disability, the members of the board shall elect a temporary chairman by a majority vote of those present at a meeting.

(7) Each appointed member shall be entitled to $25.00 for each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing or other authorized business. Each member of the board shall also be entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

(8) The chairman, or in his absence a temporary chairman selected by the members of the board present at the meeting, shall preside at all meetings of the board. The board shall have regular meetings at times specified by a majority vote of the board. The chairman may call special meetings at any time. He shall call a special meeting on written request by two (2) or more members of the board. A majority of the board shall constitute a quorum to transact business.

(9) All staff assistance deemed necessary by the board to carry out the functions and duties assigned to it in KRS 227.550 to 227.660 shall be provided by the office and shall function under the supervision of the administrative head of the office.

Section 4. KRS 227.570 is amended to read as follows:

(1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes and recreational vehicles as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. Said standards and requirements shall be those embodied in NFPA 501 (B) and NFPA 501 (C) respectively.

(2) The office shall enforce such standards and requirements for the body and frame design and construction of mobile homes [and recreational vehicles] as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. Said standards and requirements shall be those embodied in NFPA 501 (B) [and NFPA 501 (C)] as amended from time to time by the National Fire Protection Association. *In the event that any part of this Act conflicts with Title 6 of the Federal Housing and Community Development Act of 1974, the Federal Act shall take precedence.*

Section 5. KRS 227.580 is amended to read as follows:

(1) It is unlawful for any manufacturer to manufacture, import or sell mobile homes or recreational vehicles within this state after June 21, 1974, unless such manufacturer has been issued a certificate of acceptability for such mobile homes or recreational vehicles from the office. This provision shall not, however, apply to mobile homes or recreational vehicles manufactured in this state and designated for delivery to and sale in a state that has a code that is inconsistent with KRS 227.550 to 227.660.

(2) The office shall require that the manufacturer establish and submit to the office for approval, systems for quality control [and systems for transportation,] prior to the issuance of a certificate of acceptability.

(a) The office shall issue a certificate of acceptability to any manufacturer within or without this state upon receipt of an application from such manufacturer to which is attached an affidavit certifying that any mobile home or recreational vehicle manufactured by the applicant will be built in compliance with NFPA 501 (B) or NFPA 501 (C), whichever is applicable.

(b) Certificates of acceptability shall be numbered and a record shall be kept by the office, by number, of the certificates issued to manufacturers.

(3) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(4) The office may determine that the standards for mobile homes or recreational vehicles established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (B) or NFPA 501 (C). If the office finds that such standards are actually enforced then it shall issue a certificate of acceptability for such mobile homes or recreational vehicles.

Section 6. KRS 227.600 is amended to read as follows:

(1) No manufacturer who has received a certificate of acceptability from the office may sell or offer for sale in this state mobile homes or recreational vehicles unless they bear a seal of approval issued by and purchased from the office.

(2) Seals issued by the office shall be numbered and shall be affixed to the mobile home or recreational vehicle in a conspicuous place.

(3) Any dealer who has acquired a used mobile home or recreational vehicle without a seal, or one manufactured prior to June 21, 1974, shall apply to the office for a Class B seal by submitting an affidavit that the unit has been brought up to or meets reasonable standards established by the boards for used mobile homes or recreational vehicles. *Those mobile homes taken in trade having a Class A or Class B seal must be reinspected and certified. The existing Class A or Class B seal may be removed and a new Class B seal affixed or the new Class B seal may be applied over the existing seal. A seal will not be required if such dealer submits an affidavit that the unit will not be resold for use as such by the public.*

Section 7. KRS 227.620 is amended to read as follows:

(1) No dealer shall engage in business as such in this state without a license therefor as provided in KRS 227.550 to 227.660.

(2) Application for license shall be made to the office at such time, in such form and contain such information as the office shall require and shall be accompanied by the required fee. The office may require in such application, or otherwise, such information as it deems commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by the office in determining the fitness of said applicant to engage in business as set forth in KRS 227.550 to 227.660.

(3) All licenses shall be granted or refused within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee for such calendar year or part thereof shall be established by the board, subject to the following maximums:

(a) For manufacturers a "certificate of acceptability" shall be subject to a maximum of $500.

(b) For dealers the maximum license fee shall be $250 for each established place of business.

(c) The fee for a "seal of approval" and a "Class B seal" shall be established by the board subject to a maximum of $25 per seal.

(5) All revenues raised through the provisions of subsection (4) of this section shall be used solely for the purpose of carrying out the provisions of KRS 227.550 to 227.660. At the close of each fiscal year all unencumbered revenues raised through the provisions of KRS 227.550 to 227.660 and 227.992 shall lapse and revert to the general fund of the treasury of the commonwealth.

(6) The licenses of dealers shall specify the location of the established place of business and must be conspicuously displayed there. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

[(7) The board shall by regulation require each dealer and manufacturer to furnish and maintain with the office a bond, with corporate surety, in the sum of $20,000 in such form as required by the office, conditioned upon such dealer and manufacturer complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of his license hereunder. The bond shall be executed in the name of the commonwealth of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after a court adjudication thereof.]

*(7)* [(8)] Every dealer licensed in accordance with the provisions of this section shall make reports to the office at such intervals and showing such information as the office may require.

SECTION 8. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) Before any license will be issued or renewed, the applicant shall file or have on file with the office a liability insurance policy issued by an insurance carrier authorized to transact insurance business within the Commonwealth of Kentucky. The policy of insurance must be issued in the name of the applicant licensee.

(2) The boards shall by regulation establish the minimum amount of liability insurance required herein.

(3) No insurance carrier issuing any policy filed with the office, shall be relieved from liability under the policy until after the expiration of fifteen (15) day's notice to the office of an intention to cancel the policy, provided, however, that a prior cancellation may be allowed in cases where one policy is substituted for another policy when the substituted policy is in force and effect prior to the expiration of fifteen (15) day's notice to the office of an intention to cancel the policy which is being substituted.

(4) Upon cancellation of any policy of insurance required by this section, all operating rights granted by the license for which the said policy was filed, shall immediately cease and the office shall have the authority to immediately require the cessation of all operations conducted under the authority of the said license and to require the surrender of all licenses, certificates and seals previously issued hereunder.

Section 9. KRS 227.630 is amended to read as follows:

(1) A license or certificate of acceptability may be denied, suspended or revoked on the following grounds:

(a) *A showing* [Evidence] of insolvency *in a court of competent jurisdiction*;

(b) Material misstatement in application for license or certificate of acceptability;

(c) Willful failure to comply with any provisions of KRS 227.550 to 227.660 or any rule or regulation promulgated by the board under KRS 227.550 to 227.660;

(d) Willfully defrauding any buyer;

(e) Willful failure to perform any written agreement with any buyer or dealer;

(f) Failure to have or to maintain an established place of business;

(g) Failure to furnish or maintain the required *insurance* [bond];

(h) Making a fraudulent sale, transaction or repossession;

(i) Employment of fraudulent devices, methods or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail instalment contracts and the redemption and resale of such goods;

(j) Failure by a dealer to put the title to a mobile home or recreational vehicle in his name after said dealer has acquired ownership of the mobile home or recreational vehicle by trade or otherwise;

(k) Violation of any law relating to the sale or financing of mobile homes or recreational vehicles.

(2) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent *while the said agent is acting within the scope of his authority.*

(3) Upon proceedings for the suspension of a license or certificate of acceptability for any of the violations enumerated in KRS 227.550 to 227.660, the licensee or holder of a certificate of acceptability may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars ($50.00) per day. Payments in lieu of suspension collected by the board shall be deposited in the state treasury and credited to the general expenditure fund.

SECTION 10. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) "Owner" means the original purchaser of a mobile home for use as a residence.

(2) "Dealer" means any person or business enterprise which sells new mobile homes to consumers.

(3) "Manufacturer" means any person or business enterprise engaged in the business of manufacturing, assembling or distributing on behalf of a manufacturer new mobile homes.

(4) "Wholesaler" means any person other than a manufacturer who sells new mobile homes for the purpose of resale.

(5) "Mobile home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

(6) "Purchase price" means the actual amount paid by the owner, including the value of any traded merchandise involved in the transaction, and any sales or usage tax.

(7) "Defect" is a defective part or material installed, or improper workmanship performed, by a manufacturer, wholesaler, or dealer which poses an imminent danger to the owner's or occupant's health or safety or to the right of occupancy and which would cost the owner more than five percent (5%) of the purchase price to repair or replace.

SECTION 11. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any mobile home that, within the first twelve months after delivery to the owner has a defect which requires repair or replacement on three separate occasions, shall be presumed to be non-merchantable.

SECTION 12. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The presumption of non-merchantability of a mobile home as provided in Section 11 of this Act may be rebutted by evidence that the defect was caused by the owner or occupant or other third party, by an accident or by some act or condition beyond the control of the manufacturer, wholesaler or dealer.

SECTION 13. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The owner shall give the manufacturer notice by certified mail, return receipt requested, with a copy to the dealer from whom the mobile home was purchased, within ten days following establishment of the conditions recited in Section 11 of this Act containing an accurate description of the condition or conditions which render the mobile home non-merchantable and the owner's name and address and his election to exercise the rights provided by Section 17 of this Act.

SECTION 14. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Within ten (10) days after the receipt of a notice given under Section 13 of this Act, the manufacturer, dealer and wholesaler or their representatives shall examine the mobile home at the home site of the owner and within ten (10) days after such examination shall notify the owner in writing that they either: (1) find no defect, (2) find a defect but believe that it is due to abuse by the owner, an act beyond their control or the action of a third party, (3) find a defect but can and will promptly put the mobile home in a merchantable condition and will agree to a four-month extension of the owner's rights with respect to such defect under this Act, or (4) accept the owner's determination that it is non-merchantable.

SECTION 15. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If the manufacturer, dealer or wholesaler, notifies the owner that the mobile home can be put in a merchantable condition pursuant to Section 14 of this Act, the owner must make the mobile home available for repair at his home site within three days after such notification so that repairs can be made and the defect removed before any rights vest under this Act.

SECTION 16. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If the owner or occupants must be removed from the mobile home during repair, the manufacturer, wholesaler or dealer shall provide those who are moved with equivalent accommodation or accommodations acceptable to the owner, or pay the owner a reasonable per diem rate of compensation for those moved from the mobile home.

SECTION 17. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If the defect if not corrected pursuant to Section 15 of this Act, the manufacturer, dealer or wholesaler shall, at their option, return the price paid by the seller less any diminution in value due to abuse by the owner, or the action of a third party or shall supply a new mobile home of the same model and year at the owner's home site which shall be warranted as though originally purchased.

SECTION 18. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

In any case in which an owner timely notifies the manufacturer, dealer or wholesaler of the non-merchantability of the mobile home under Section 11, and the manufacturer, dealer or wholesaler refuses to replace the mobile home under Section 17, the owner may bring an action to recover the price paid by him less any diminution in value due to abuse by the owner, or the action of a third party, and shall be entitled to his reasonable attorney fees if he prevails in the action.

SECTION 19. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) No manufacturer shall exclude any warranty issued elsewhere in the sale of its mobile home in Kentucky in retaliation for the provisions of this Act.

(2) No manufacturer shall increase the price of its mobile home in Kentucky by more than the amount necessary to meet the costs actually incurred by compliance with this Act, provided, however, that the manufacturer shall be required to furnish the Attorney General's office with verified actuarial data supporting any such increase at least sixty (60) days before it is put into effect.

SECTION 20. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any dealer, manufacturer or wholesaler making a repair on a new mobile home prior to the delivery to the owner must state in writing to the owner at the time of the delivery the nature of any defect repaired by such dealer, manufacturer, or wholesaler. The statement must contain a complete description of cause of the damage which was repaired as well as the nature of the repairs made, so that a determination can be made as to whether the owner may have any rights provided by this Act.

SECTION 21. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Each owner who purchases a new mobile home shall be furnished by the dealer selling the mobile home a written explanation of his rights under this Act and the address of the dealer, manufacturer and wholesaler, if any. In addition, the name and address of the dealer, manufacturer, and the wholesaler shall be affixed to the mobile home in a conspicuous place and shown to the owner by the dealer.

SECTION 22. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) Any dealer who fails to provide a statement under Section 20 of this Act or a notice under Section 21 of this Act shall be liable for a penalty of $100 per violation to be collected in the name of the Commonwealth upon action of the Attorney General.

(2) Any dealer or manufacturer who falsifies a statement under Section 20 of this Act shall be liable for a penalty not exceeding $1,000 to be collected in the name of the Commonwealth upon action by the Attorney General.

SECTION 23. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

For the purpose of this Act, a manufacturer or wholesaler's warranty whether express and/or implied or created by this Act extends to any person who purchases the mobile home new.

SECTION 24. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The rights and remedies given owners of mobile homes under this Act shall be in addition to rights presently existing under the law.

The Committee Amendment to **SB 188** is as follows:

Amend printed copy of **SB 188**, page 19, line 1, after the word “which” by adding the words “cost the owner at least four percent (4%) of the purchase price to repair and which“;

and on page 19, line 26, by inserting a “ [” before the “,“;

and on page 20, line 1, after the word “their” by adding a “] or its“;

and on page 20, line 15, after the word “manufacturer” by adding a “ [” and before the word “notifies” by adding a “]“;

and on page 20, line 25, after the word “manufacturer” by adding a “ [“;

and on page 20, line 26, after the word “dealer” by adding a “]“;

and on page 21, line 7, after the word “manufacturer” by adding a “ [” and after the word “wholesaler” by adding a “]“;

and on page 21, line 8, by deleting the word “their” and inserting in lieu thereof the word “its“;

and on page 21, line 17, after the word “manufacturer” by adding a “ [” and after the word “wholesaler” by adding a “]“;

and on page 21, line 19, after the word “manufactuer” by adding a “ [” and after the word “wholesaler” by adding a “]“.

The Committee on Counties and Special Districts reported **HR 105, SB 290,** and **SB 352** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 105,** A CONCURRENT RESOLUTION to recognize the official flag adopted by the Fiscal Court of Oldham County.

WHEREAS, in this bicentennial year, it is fitting and proper that citizens pay homage to all democratic forms of government in the United States; and

WHEREAS, flags have traditionally symbolized respect and loyalty, inspiring patriotic fervor from those persons represented by the symbolic standards; and

WHEREAS, the Fiscal Court of Oldham County has designated a colorful banner designed by Richard Crossett, the winner of a contest conducted by the bicentennial committee of Oldham County, as the official flag for Oldham County; and

WHEREAS, the green in the flag represents the rolling fields of Oldham County and the yellow amulet represents the sun and the letter "O" for Oldham County; and

WHEREAS, the blue and white in the flag is a heraldic symbol for the "Public Spring," site of the county's founding by William Barry Taylor; and

WHEREAS, the red crosses of St. George represent the crossroads of LaGrange, as well as the coat of arms of Virginia, birthplace of Colonel William Oldham, for whom the county was named;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Commonwealth of Kentucky hereby recognizes the designated symbol as the official flag of Oldham County.

Section 2. That the Clerk of the Senate is hereby directed to send a copy of this resolution to the Fiscal Court of Oldham County.

**SB 290,** AN ACT relating to sheriffs.

WHEREAS, the sheriffs of the Commonwealth of Kentucky are responsible for collecting a fee for vehicle inspection; and

WHEREAS, prior to June 21, 1974, the fee to be charged was one dollar ($1.00) and after June 21, 1974, was increased to three dollars ($3.00) by an amendment to KRS 186.235 by the 1974 General Assembly; and

WHEREAS, the department of transportation has stated that as late as March, 1975 the forms designating the charge as one dollar ($1.00) were still being sent to the sheriffs' offices; and

WHEREAS, there are presently discrepancies in the accounts of sheriffs due to the noncollection of the additional amount; and

WHEREAS, the sheriffs were not notified by the department that the additional amount should be charged;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Whenever a sheriff of the Commonwealth of Kentucky inadvertently charged less than the statutory fee pursuant to KRS 186.235 for vehicle registration inspection, he shall not be liable to the department for the amount he did not collect.

(2) This Act shall be retroactively effective as of June 21, 1974, and shall expire as of June 30, 1975.

**SB 352,** AN ACT relating to hospital districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

In the alternative to establishing a hospital district with the power to tax as provided for in KRS 216.317, such a district may be established as follows:

(1) Upon the filing of a duly certified petition of one hundred (100) or more duly qualified voters in a county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district may adopt a resolution submitting to the qualified voters of the county the question as to whether a hospital district should be established for the medical service area. A certified copy of the order of the fiscal court shall be filed with the county clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of (insert the name of the county) participating in a hospital district composed of (insert the names of the counties)?"

(3) If a majority of those voting in the county favor the establishment of the district or the participation of the county in an established district, the district shall be established and the county shall be a participating county in the district.

SECTION 2. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

Except for the provisions of KRS 216.317 and 216.320, if a hospital district is formed under the provisions of Section 1 of this Act, such district shall observe all the provisions of KRS 216.310 to 216.360.

The Committee on Judiciary-Courts reported **SB 274** and **SB 364** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 274,** AN ACT relating to the Judicial Retirement and Removal Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 34 IS ESTABLISHED AND A NEW SECTION THEREOF CREATED TO READ AS FOLLOWS:

(1) The members of the judicial retirement and removal commission to be selected from among the judges of the Court of Appeals, the circuit judges, and the district judges, shall be selected according to rules promulgated by the Supreme Court.

(2) The member of the commission to be appointed by the governing body of the bar shall be appointed according to rules promulgated by the Supreme Court.

(3) The members of the commission appointed by the governor shall include one (1) person from each of the two (2) political parties of the commonwealth having the largest number of registered voters.

SECTION 2. A NEW SECTION OF KRS CHAPTER 34 IS CREATED TO READ AS FOLLOWS:

No justice or judge shall be retired for disability or suspended without pay or removed for good cause except upon a majority vote of members of the judicial retirement and removal commission.

SECTION 3. A NEW SECTION OF KRS CHAPTER 34 IS CREATED TO READ AS FOLLOWS:

In the exercise of its powers and duties, the judicial retirement and removal commission may administer necessary oaths, take testimony under oath, compel the attendance of witnesses, and compel the production of records and other evidence.

SECTION 4. A NEW SECTION OF KRS CHAPTER 34 IS CREATED TO READ AS FOLLOWS:

Members of the judicial retirement and removal commission who do not otherwise receive a salary from the state treasury shall receive sixty dollars ($60) for each day they are in session or on official duty. All members shall be reimbursed for their necessary expenses for each day they are in session or on official duty. All claims shall be approved by the chief justice or his designee and shall be paid out of the state treasury.

Section 5. Whereas Section 121 of the constitution became effective January 1, 1976, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

**SB 364,** AN ACT relating to interference with judicial administration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 524 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of intimidating a judicial officer when, with intent to influence a judicial officer's decision or to intimidate such officer or to impede the performance of his duty, he threatens, directly, or indirectly, such officer or a member of his immediate family.

(2) "Threat" as used in this section means any threat prescribed in KRS 514.080.

(3) "Judicial officer" as used in this section means any regular or special justice or judge of the Court of Justice, and any trial commissioner serving the Court of Justice.

(4) Intimidating a judicial officer is a Class D felony.

The Committee on Judiciary-Statutes reported **HR 98, SB 148, SB 149, SB 266, SB 267, SB 268, SB 269,** and **SB 358** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 98,** A RESOLUTION directing the Legislative Research Commission, through the members and staff of the Interim Joint Committee on Judiciary-Statutes, to study certain issues related to execution.

WHEREAS, the Kentucky Penal Code provides for the death penalty as punishment for certain crimes; and

WHEREAS, the Supreme Court of the United States will soon again rule upon the constitutionality of the death penalty; and

WHEREAS, in the event that the constitutionality of the death penalty is upheld, Kentucky must decide what method of execution is the more humane; and

WHEREAS, the Kentucky Penal Code currently provides for electrocution as the method of execution; and

WHEREAS, the humanity of this method has been brought into question; and

WHEREAS, several states employ in execution the method of asphyxiation; and

WHEREAS, a number of issues related to execution have been identified as important topics of concern by the General Assembly; and

WHEREAS, a detailed analysis of such issues is necessary to evaluate the implementation of related and proper legislation;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission, through the members and staff of the Interim Joint Committee on Judiciary-Statutes, is hereby directed to conduct a study of certain issues related to execution as set forth in Section 2.

Section 2. That the execution related issues to which the Interim Joint Committee on Judiciary-Statutes shall address its study include, but are not limited to:

(1) Which of the two (2) methods of execution, death by electrocution or asphyxiation, is the more humane, considered in the context of elapsed time of the execution process, excessive or severe degree of pain encountered during the execution process, and other related considerations; and

(2) An estimation of the relative monetary costs to the state for the establishment, maintenance, and operation of each of the two (2) methods of execution.

Section 3. That a report of the findings of such study, together with recommendations for further legislative action or directive, be submitted to the General Assembly prior to the 1978 regular session.

Section 4. Staff services to be utilized in completing this study are estimated to cost $3,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

**SB 148,** AN ACT relating to appointment of fiduciaries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 387.030 is amended to read as follows:

In appointing a guardian the court shall pay proper attention to the following order of *precedence* [ precedent], and not depart therefrom unless it deems that prudence and the interest of the infant so require:

First: The father or mother or one most suitable for the trust.

Second: If either the father or mother is dead, then the surviving parent, if deemed suitable for the trust.

Third: If both father and mother are dead, then the testamentary guardian named by the last surviving parent.

Fourth: The next of kin.

SECTION 2. A NEW SECTION OF KRS CHAPTER 387 IS CREATED TO READ AS FOLLOWS:

In appointing a committee the court shall pay proper attention to the following order or precedence, and not depart therefrom unless it deems that prudence and the interest of the incompetent so require:

First: The spouse.

Second: The father or mother, or surviving parent.

Third: If both father and mother be deceased, then the adult son or daughter, or one most suitable for the trust.

Fourth: The next of kin.

Fifth: Any other interested person.

**SB 149,** AN ACT relating to landlord and tenant.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 383 IS CREATED TO READ AS FOLLOWS:

If the traversor fails to prosecute this appeal with effect, he shall be liable to pay the traversee an amount equal to the rent owing and due on the real property in question from the commencement of the forcible detainer action until the traversor surrenders possession of the property, and shall also be liable for the court costs of the action.

Section 2. KRS 383.210 is amended to read as follows:

(1) Upon complaint by a person aggrieved by a forcible entry or detainer to a justice of the peace or county judge of the county in which the land or tenement, or a principal part thereof, lies, he shall issue his warrant to the sheriff or any constable, in substance as follows: "The Commonwealth of Kentucky to the sheriff (or any constable) of .... county: Whereas, A B hath made complaint to me, J S, a justice of the peace (or county judge) for said county, that C D and E F did, on the .... day of ...., forcibly enter into (or forcibly detain from the said A B) one house and field on the waters of ...., in the county aforesaid (or other general description of the lands or tenements), which were in the peaceable possession of A B (or which the said C D and E F, tenants of the said A B, now hold against him): You are, therefore, commanded to summon a good and lawful jury of your county to meet on the premises, or at a place convenient thereto, on the .... day of ...., to inquire into the forcible entry (or forcible detainer) aforesaid; and give to the said C D and E F at least three days' notice of the time and place of the meeting of the jury; and have then there this writ. Witness, etc."

(2) In the trial of writs of forcible entry, forcible detainer or forcible entry and detainer, if neither party, in person or by agent or attorney, demand a jury, the trial thereof shall be by the judge or justice presiding; and in such event the judge or justice shall try all questions arising, whether of law or of fact. No such writ shall hereafter direct the summoning of a jury, and the sheriff or other officer to whose hands such writ may come to do execution thereof shall not summon a jury in such proceeding, unless he be by either party notified in writing that a jury is demanded. At the calling of the cause for trial either party may demand a jury.

(3) The right to traverse the finding of the judge or justice shall be the same as if a verdict had been rendered by a jury.

*(4) Every warrant issued under this section to recover real property shall also contain the following notice printed in bold face type:*

*The court has been asked to evict you. You may assert any legal defense you have in court. You are entitled to a trial by jury, and you have a right to have an attorney present with you in court. You are advised to seek legal assistance. If you cannot afford a lawyer, contact your local bar association. If you fail to appear in court on your trial date, you could be set out of your home on the third day following the trial date.*

Section 3. KRS 383.255 is amended to read as follows:

*(1)* If either party conceive himself aggrieved by the finding of the jury, he may file a traverse thereof with the judge or justice, within three days next after the finding aforesaid, in substance as follows: "A B against C D, on a writ of forcible entry (or detainer). The plaintiff (or the defendant) says that the inquisition returned in this cause is not true; wherefore, he prays that the proceedings thereon may be stayed until the same can be tried according to law. A B"; and shall also, within the same time, before said judge or justice, give bond with sufficient surety, to be approved by the judge or justice, to his adversary, in substance as follows: "A B v. C D, on a writ of forcible entry (or detainer). Whereas, upon a writ of forcible entry (or detainer) in favor of A B against C D, tried before ...., a justice of the peace of .... county, a verdict was rendered for the said A B, on the .... day of ...., which the said C D has traversed; the said C D and E F, his surety, covenant to pay to the said A B the costs of said proceeding and all damages caused by him by said traverse, if not prosecuted with effect."

*(2) The aggrieved party may elect in the alternative, to pay into a court escrow account an amount equal to one hundred and twenty-five per cent (125%) of the rent owing and due since the onset of the forcible entry and detainer proceedings, as well as one hundred and twenty-five per cent (125%) of all future rents, as it becomes owing and due in each succeeding month during the pendency of the appeal. If the aggrieved party fails to pay said monies into the court escrow account at any time during the appeal, then the appeal shall be dismissed and all monies deposited in the escrow account will be dispersed to the landlord owner by court order. The monies in the court escrow account shall be distributed to the successful party by court order at the conclusion of the appeal.*

*(3) Upon the aggrieved party perfecting his bond under subsection (1), or upon his payment of monies into court pursuant to subsection (2) of this section* [Whereupon], the judge or justice shall stay all further proceedings on the inquisition, and return the whole of the papers and proceedings, or a fair transcript thereof, to the office of the circuit court of said county, within ten days thereafter.

Section 4. KRS 454.030 is amended to read as follows:

If the officer directed to serve notice on the defendant in forcible entry or detainer proceedings cannot find the defendant on the premises mentioned in the writ, he may explain and leave a copy of the notice with any member of the defendant's family thereon over sixteen years of age, and if no such person is found he *must on the same day serve the notice by sending a copy thereof by certified mail to the defendant's address and* [may serve the notice] by posting a copy thereof in a conspicuous place on the premises. The notice shall state the time and place of meeting of the court.

Section 5. KRS 383.260 is repealed.

**SB 266,** AN ACT relating to the defense of indigent persons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 31.010 is amended to read as follows:

There is hereby established as an independent agency of state government the Office of Public Defender, in order to provide for the establishment, maintenance and operation of a state sponsored and controlled system for the *representation* [defense] of indigent persons *accused of crimes or mental states which may result in their incarceration or confinement* [in certain criminal cases].

Section 2. KRS 31.050 is amended to read as follows:

(1) The Public Defender shall review and approve or deny or suggest modifications to all plans which are submitted to the Office of Public Defender for defense of indigent persons.

(2) If the plan for defense of indigent persons is approved the Public Defender may allot a *sufficient* sum, *subject to the approval of the commissioner of the Executive Department for Finance and Administration* [not exceeding forty cents (40¢) per capita, to be based upon the most recent decennial census,] to the county or counties in the judicial district involved for the purpose of assisting the said plan. [This allotment, however, shall not be less than $14,000 per circuit judge per judicial district.] The moneys shall be divided among the counties in the district as provided by the plan which is submitted. At the end of each funding period any moneys not expended shall revert to the state Office of Public Defender. Counties and other units submitting applications under this chapter shall be obligated to pay and shall pay all costs incurred in their own defense of indigent programs which are in excess of the maximum amount *allotted* [specified above] or other maximum amount of grant as specified in this chapter.

Section 3. KRS 31.070 is amended to read as follows:

If a judicial district, through the county or counties therein, adopts a plan involving appointed counsel the Public Defender is hereby authorized to pay reasonable and necessary fees and expenses subject to the following limitations:

(1) No fee shall be paid in excess of ***$1,000*** [$500] for any defense of a single person in any case;

(2) In the case of multiple defendants no fee shall be paid in excess of ***$1,000*** [$500] for each defendant in the case; and

(3) Each fee plus expenses incurred in the defense shall be presented by the defense attorney to the Circuit Court Judge who shall review the fee and expenses request and shall approve, deny, or modify the amount of compensation and fee listed therein. After final approval of the fee and expenses the Circuit Judge shall, if state compensation is desired, certify the amount and transmit the document to the Public Defender who shall review the fee and expense request and shall approve, deny, or modify the request. The request as approved or modified shall then be paid. Requests for payment of assigned counsel by the state shall be denied if the district has exceeded the amount of funds which may be allotted to it, if the district plan has not been approved, or if the Public Defender finds that compensation is otherwise not warranted. The decision of the Public Defender in all matters of fee and expense compensation shall be final.

Section 4. KRS 31.090 is amended to read as follows:

In the event of funding deficiencies the amount of awards, grants and similar funding by the state *or* [of] local efforts shall be reduced on an across the board percentage basis.

Section 5. KRS 31.100 is amended to read as follows:

With regard to the District Public Defender and approved local programs of providing counsel for indigents the following terms and standards shall apply, subject to further definition and regulation by the Office of Public Defender.

(1) "Detain" means to have in custody or otherwise deprive of freedom of action;

(2) "Expenses," when used with reference to representation under this chapter, includes the expenses of investigation, other preparation, and trial, together with the expenses of any appeal;

(3) "Needy person" or "indigent person" means a person who at the time his need is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation;

(4) "Serious crime" includes:

(a) A felony;

(b) A misdemeanor or offense any penalty for which includes the possibility of confinement [for six (6) months or more] or a fine of five hundred dollars ($500) or more; and

(c) An act that, but for the age of the person involved, would otherwise be a serious crime.

Section 6. KRS 31.150 is amended to read as follows:

(1) The county attorney, on behalf of the county, or any other contributing agency in its behalf, may recover payment or reimbursement, as the case may be, from each person or his estate who has received legal assistance or another benefit under this chapter:

(a) To which he was not entitled;

(b) With respect to which he was not a needy person when he received it; or

(c) With respect to which he has failed to make the certification required by KRS 31.120(2); and

(d) For which he refuses to pay or reimburse. Suit must be brought within *five (5)* [ten (10)] years after the date on which the aid was received.

(2) The county attorney, on behalf of the county, or any other contributing agency in its behalf, may recover payment or reimbursement, as the case may be, from each person, other than a person covered by subsection (1), who has received legal assistance under this chapter and who, on the date on which suit is brought, is financially able to pay or reimburse the county for it according to the standards of ability to pay applicable under KRS 31.100(3), 31.110(1) and 31.120(2), but refuses to do so. Suit must be brought within five (5) years after the date on which the benefit was received.

(3) Amounts recovered under this section shall be paid into the county general fund, or to any other contributing agency.

Section 7. KRS 31.200 is amended to read as follows:

(1) Subject to KRS 31.190, any direct expense, including the cost of a transcript or bystander's bill of exceptions or other substitute for a transcript that is necessarily incurred in representing a needy person under this chapter, is a charge against the county on behalf of which the service is performed.

(2) If two (2) or more counties jointly establish an office of public defender, the expenses not otherwise allocable among the participating counties under subsection (1) shall be allocated, unless the counties

otherwise agree, on the basis of population according to the most recent decennial census.

(3) Expenses incurred in the *representation* [defense] of needy persons confined in a state correctional institution [who are charged with a serious offense committed at such institution] shall be borne by the state office of public defender.

Section 8. KRS 31.210 is amended to read as follows:

(1) A defending attorney shall keep appropriate records respecting each needy person whom he represents under this chapter.

(2) The public defender, non-profit organization, or person administering a court-assigned defender plan, as the case may be, shall submit an annual report to the *Office of Public Defender* [Fiscal Court] showing the number of persons represented under this chapter, the crimes involved, the outcome of each case, and the expenditures (totalled by kind) made in carrying out the responsibilities imposed by this chapter. A copy of the report shall also be submitted to each *Fiscal Court and to each* court having criminal jurisdiction in the counties that the program serves.

Section 9. KRS 31.220 is amended to read as follows:

This chapter applies only to representation in the courts of this state, except that it does not prohibit a defending attorney from representing a needy person in a federal court of the United States, if:

(1) The matter arises out of or is related to an action pending or recently pending in a court of criminal jurisdiction of the state; or

(2) Representation is under a plan of the United States District Court as required by the Criminal Justice Act of 1964 (18 U.S.C. *3006A* [3008A]) and is approved by the Fiscal Court.

**SB 267,** AN ACT relating to special law enforcement officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:
This Act may be cited as "The Special Law Enforcement Officer Act."

SECTION 2. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:
As used in this Act:

(1) "Commission" means a commission issued to an individual by the secretary of justice, entitling such individual to perform special law enforcement duties on public property.

(2) "Council" means the Kentucky law enforcement council.

(3) "Department" means the department of justice.

(4) "Public property" means property currently owned or used by any organizational unit or agency of state, county, city, metropolitan government, or a combination of these. The term shall include property currently owned or used by public airport authorities.

(5) "Secretary" means the secretary of the department of justice.

(6) "Special law enforcement officer":

(a) means one whose duties include the protection of specific public property from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass; and

(b) means one whose duties include the prevention, observation or detection of, or apprehension for, any unlawful activity on specific public property; and

(c) means one whose special duties include the control of the operation, speed and parking of motor vehicles, bicycles and other vehicles, and the movement of pedestrian traffic on specific public property; and

(d) means one whose duties include the answering of any intrusion alarm on specific public property; and

(e) shall include the capitol police, the capitol plaza police, public school district security officers, public airport authority security officers, and the officers of the other public security forces established for the purpose of protecting specific public property; and

(f) shall not include members of a lawfully organized police unit or police force of state, county, city, or metropolitan government, or a combination of these, who are responsible for the detection of crime and the enforcement of the general criminal law enforcement of the state; it shall not include any of the following officials or officers:

(i) sheriffs, sworn deputy sheriffs, city marshals, constables, sworn deputy constables, and coroners;

(ii) auxiliary and reserve police appointed under KRS 70.545, 95.160, 95.445, or 95.740;

(iii) state park rangers and conservation officers;

(iv) officers of the division of motor transportation and division of boating responsible for law enforcement;

(v) officers of the bureau of corrections responsible for law enforcement;

(vi) fire marshals and deputy fire marshals;

(vii) other officers not mentioned above who are employed directly by state government and are responsible for law enforcement;

(viii) federal peace officers;

(ix) those campus security officers who are commissioned under KRS 164.950;

(x) private security guards, private security patrolmen, and investigators licensed pursuant to state statute;

(xi) railroad policemen covered by KRS 277.270 and 277.280.

(7) "Sworn public peace officer" means one who derives plenary or special law enforcement powers from, and is a full-time employe of, the federal government, the Commonwealth, of any political subdivision, agency, department, branch or service of either, or of any municipality.

SECTION 3. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The secretary of the department of justice may commission special law enforcement officers, for such time as he deems necessary, to protect and to enforce the law on public property. Upon application of a unit or agency of state, county, city or metropolitan government, the secretary may appoint those persons recommended by the unit or agency who satisfy the requirements of this Act.

SECTION 4. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

This Act shall be administered by the secretary, or by any agency within the department of justice designated by the secretary and acting under his authority. The secretary shall make, promulgate, and enforce such rules, orders, regulations, and instructions as may be reasonable and necessary to carry out the provisions of this Act. The secretary may appoint such employes, and delegate such duties to the same, as he, in his sound discretion, deems appropriate.

SECTION 5. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

In order to qualify for a commission as a special law enforcement officer under this Act, an individual must present satisfactory evidence of compliance with the following conditions and requirements:

(1) no person shall be eligible for a commission who:

(a) has been dishonorably discharged from the armed forces of the United States; or

(b) has been convicted in any jurisdiction of any felony or of any crime involving moral turpitude for which he has not received a full pardon; or

(c) has been convicted of any other offense or offenses more than five times within the previous three years; or

(d) has by any court of competent jurisdiction been declared incompetent by reason of mental defect or disease and has not been restored; or

(e) suffers from habitual drunkenness or from narcotics addiction or dependence, or from any physical defect or deficiency which the secretary determines to materially impair the applicant's ability to perform the duties of a special law enforcement officer.

(2) Every person to be eligible for a commission shall:

(a) have reached his twenty-first birthday;

(b) provide, on forms supplied by the secretary, such information pertaining to himself as may be reasonably be requested thereon, including, but not limited to: his name; age; date of birth; current address and employment; prior addresses and employment for the past ten years; aliases, if any; arrest and conviction record, if any; Social Security number; fingerprints; photographs; and general physical description. The accuracy of such information shall be attested by the applicant and his attestation shall be notarized by one authorized to administer oaths; and

(c) be of good moral character; and

(d) provide references from two reputable residents of the Commonwealth who are not related to him and who have known him well for a period of not less than three years, attesting to his good character; and

(e) pay the fees provided in Section 7, subsections (1) and (2); and

(f) provide evidence satisfactory to the secretary that he meets the following requirements:

(i) is a graduate of an accredited high school; or of an equivalent technical or vocational training or education pro-satisfactory to the secretary; or holds a G.E.D. certificate; provided, however, that all special local peace officers formally commissioned under KRS 61.360 and with unexpired commissions on December 31, 1976, shall be deemed to have met the requirements of this subsection; and

(ii) has successfully completed not fewer than eighty hours of training in a program approved by the council and dealing comprehensively with the subjects of criminal law and the law of arrest, search and seizure; or has been employed as a full-time sworn public peace officer for a period of not less than one year within the past five years, and has never been discharged for cause from employment as a sworn public peace officer; or has been employed in a full-time capacity as a military policeman engaged in law enforcement for the United States armed forces for a period of not less than one year within the past five years; or has successfully completed a written, oral and practical examination approved by the council and dealing comprehensively with the subject matter of criminal law and the law of arrest, search and seizure; and

(iii) demonstrates, in written and practical examinations approved by the council, knowledge of and proficiency in firearms safety, range firing, the moral and legal aspects of firearms use, and first aid. Provided, however, that all special local peace officers formally commissioned under KRS 61.360 and with unexpired commissions on December 31, 1976 shall be deemed to have met the requirements of these subsections.

SECTION 6. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The following fees shall be required with respect to applications, examinations, and training for commissions:

(1) With the initial application, a fee of twenty-five dollars ($25);

(2) With application for renewal, a fee of twenty-five dollars ($25);

(3) Prior to any written examination approved by the Kentucky law enforcement council, a fee of fifteen dollars ($15);

(4) Prior to any practical examinations on firearms proficiency approved by the council, a fee of twenty dollars ($20); and

(5) Prior to any training program approved by the council for special law enforcement officers, a reasonable fee as determined by the secretary to cover the cost of training;

(6) All funds received by the department as fees pursuant to this Act shall be available for use by the secretary in administering the Act's provisions, and any excess funds not expended at the end of the fiscal year shall revert to the general fund.

SECTION 7. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The secretary shall revoke or suspend the commission of any special law enforcement officer whenever he shall determine:

(1) That the commission-holder does not meet, or no longer meets, the requirements and conditions for the commission; or

(2) That the commission-holder has knowingly falsified an application or portion thereof, or has made any knowingly false or misleading statement of a material fact to the secretary or any of his delegates, agents or officers; or

(3) That the commission-holder has violated: any provision of this Act; or any rule, regulations or order of the secretary; or any law of the Commonwealth or of the United States, the violation of which the secretary determines to bear a reasonable relationship to eligibility for the commission.

SECTION 8. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Any duly commissioned special law enforcement officer shall, while performing law enforcement duties upon the public property he is hired to protect, be empowered to arrest:

(1) Persons committing, in his presence and upon the public property he is hired to protect, any misdemeanor, any traffic violation, or any other violation as defined by KRS 500.080(17);

(2) Provided there exists probable cause to believe a felony has been committed upon the premises he is hired to protect, any person whom the officer reasonably and actually believes to have committed such felony upon the public property.

SECTION 9. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Duly commissioned special law enforcement officers shall have the power to issue tickets for parking violations committed upon the public property in their presence and the power of peace officers under KRS 431.015 to issue citations for misdemeanors, and other violations as defined by KRS 500.080(17), committed in their presence upon the public property.

SECTION 10. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

A special law enforcement officer may, in the course of accomplishing any lawful arrest for a felony committed upon the public property as herein provided, use and apply that force which he believes is necessary to make the arrest, except that he may only use deadly force to make such an arrest if:

(1) The officer, in making the arrest, is authorized to act as a special law enforcement officer; and

(2) The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and

(3) The officer believes that the person to be arrested is likely to endanger human life unless arrested without delay.

SECTION 11. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

A special law enforcement officer may, in the course of accomplishing any lawful arrest for a criminal offense other than a felony committed upon the public property as herein provided, use and apply that force, less than deadly force, which he believes is necessary to make the arrest.

SECTION 12. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The powers and duties of special law enforcement officers shall be confined to the premises of the public property to be protected, except while in pursuit of a person fleeing from the property after committing any felony or misdemeanor, other than traffic violations, on the property. In such case the officer may pursue the person and make arrest anywhere within this state. In the course of making a lawful arrest for a felony after such pursuit, he may use and apply that force which he believes is necessary to make the arrest, except that he may only use deadly force in making such an arrest if the conditions specified in Section 11 are satisfied. In the course of making a lawful arrest for a criminal offense other than a felony after such pursuit, he may use and apply that force, less than deadly force, which he believes is necessary to make the arrest.

SECTION 13. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be construed as being in derogation of the common law, or of any statute of the Commonwealth, pertaining to:

(1) Arrest by a private citizen; or

(2) In any civil or criminal case, the defenses of protection of self, protection of another, protection of property, prevention of a suicide or crime and any other applicable justification defense set forth in KRS Chapter 503.

SECTION 14. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Duly commissioned special law enforcement officers shall have the right to use and operate public emergency vehicles in accordance with KRS 189.910 through 189.993.

SECTION 15. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Special law enforcement officers duly commissioned under this Act shall be deemed "peace officers" within the meaning of KRS 527.020 and shall be authorized to carry a concealed deadly weapon on or about their persons when necessary for their protection in the discharge of their official duties.

SECTION 16. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

All commissions issued by the Commonwealth of Kentucky to special local peace officers under KRS 61.360 are revoked as of January 1, 1977, unless the commissions expire before that date. Special local peace officers with unexpired commissions may continue to exercise their powers through December 31, 1976. After December 31, 1976, individuals formerly commissioned as special local peace officers who wish to be commissioned as special law enforcement officers under this Act must comply with all of the provisions of this Act.

SECTION 17. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Any person who violates any of the provisions of this Act shall be fined not more than two hundred fifty dollars ($250) or imprisoned not more than ninety days, or both.

Section 18. KRS 61.360 is repealed.

Section 19. This Act shall become effective on January 1, 1977.

**SB 268,** AN ACT relating to the commission on correction and community service.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 439.302 is amended to read as follows:

The Commission on Correction and Community Service shall consist of the Commissioner of the Bureau of Corrections, the Deputy Commissioner for Community Services, the *Deputy Commissioner for Institutions* [director of the Division of Institutions], the Chairman of the Parole Board, two (2) circuit judges designated by the Governor, and five (5) public members appointed by the Governor, these to include a psychiatrist, a professional educator, a member who is qualified to express the views of business and industry, a member who is qualified to express the views of organized labor, and a practicing attorney. The judicial and public members shall serve for the remainder of the term of office of the Governor during whose incumbency they were appointed, unless sooner removed for cause; all other members shall serve during their terms of office. The Commissioner of Corrections shall act as chairman of the Commission. All members of the Commission shall serve without compensation, but each member shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties on the Commission.

Section 2. KRS 439.304 is amended to read as follows:

(1) The Commission shall meet at least every three months, and whenever called into session by the chairman, at the request of the Governor, of any two or more members of the Commission, or on his own motion.

(2) The Commission shall advise the Governor and the Commissioner of Corrections concerning correctional policy and programs, including particularly the following:

(a) the need for, and the development of new or specialized institutions, facilities, or programs;

(b) the need for, and the effectuation of collaboration and liaison within the *bureau* [Department], and between the *bureau* [Department] and community agencies and resources, including the bench and bar, in order to promote the readjustment and rehabilitation of offenders in institutions or under parole or probation supervision in the community;

(c) the need for, and the development of useful researches in penology, correctional treatment, criminal law, or in the disciplines relevant thereto*;* [.]

*(d) The need for, and the development of appropriate correctional training programs and evaluation thereof.*

**SB 269,** AN ACT relating to prisoners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 197.140 is amended to read as follows:

No prisoner who is serving a sentence for rape *in the first or second degrees, sodomy in the first or second degrees,* [attempted rape,] or who has escaped or attempted to escape from an adult correctional institution within the past five (5) years, or who has been convicted of [armed] robbery *in the first degree, burglary in the first degree* or [armed] assault *in the first or second degrees* [with intent to rob where any injury has been inflicted upon any other person during the commission of the offense,] shall be worked or released for work outside of the walls of the prison, *except during the ninety (90) day period immediately preceding release from the institution.* No prisoner who has been sentenced to life imprisonment shall be worked or released for work outside of the walls of the prison until he has actually served within the walls of the prison for at least one (1) year of his sentence.

**SB 358,** AN ACT relating to prisoners acting as witnesses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Penal institutions" includes a jail, prison, penitentiary, house of correction or other place of penal detention;

(2) "State" includes any state of the United States, the District of Columbia, the commonwealth of Puerto Rico and any territory of the United States;

(3) "Witness" means a person who is confined in a penal institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court.

SECTION 2. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
A judge of the state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this state, may certify that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, that a person who is confined in a penal institution in this state may be a material witness in the proceeding, investigation or action, and that his presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined, and upon notice to the attorney general, the judge in this state shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before him at the hearing.

SECTION 3. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
If at the hearing the judge determines that the witness may be material and necessary, that his attending and testifying are not adverse to the interests of this state or to the health or legal rights of the witness, that the laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process because of any act committed prior to his arrival in the state under the order, and that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass, the judge shall issue an order, with a copy of the certificate attached, directing the witness to attend and testify, directing the person having custody of the witness to produce him, in the court where the criminal action is pending, or where the grand jury investigation is pending, at a time and place specified in the order, and prescribing such conditions as the judge shall determine.

SECTION 4. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
The order to the witness and to the person having custody of the witness shall provide for the return of the witness at the conclusion of his testimony, proper safeguards on his custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and may prescribe such other conditions as the judge thinks proper or necessary. The order shall not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed.

SECTION 5. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
This Act does not apply to any person in this state confined as mentally ill.

SECTION 6. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation or action, and that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the state in which the prisoner is confined.

SECTION 7. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
The judge of the court in this state may enter an order directing compliance with the terms and conditions prescribed by the judge of the state in which the witness is confined.

SECTION 8. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
If a witness from another state comes into or passes through this state under an order directing him to attend and testify in this or another state, he shall not while in this state pursuant to the order be subject to arrest or the service of process, civil or criminal, because of any act committed prior to his arrival in this state under the order.

SECTION 9. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:
This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 10. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act".

SECTION 11. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

The Committee on State Government reported **SB 193** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 193,** AN ACT relating to membership of tourist and convention commissions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 83.345 is amended to read as follows:

(1) The commission established pursuant to subsection [s (1) and] (2) of KRS 83.340 shall be composed of seven (7) members to be appointed by the mayor of the largest city in the county and the county judge, jointly, in the following manner:

(a) Two (2) commissioners from a list submitted by the local city hotel and motel association.

(b) One (1) commissioner from a list submitted by the local county hotel and motel association, provided that if only one (1) local hotel and motel association exists which covers both the city and county, then three (3) commissioners shall be appointed from a list submitted by it.

(c) One (1) commissioner from a list submitted by the local restaurant association or associations.

(d) One (1) commissioner from a list submitted by the chamber of commerce of the largest city in the county.

(e) One (1) commissioner by the mayor of the largest city in the county.

(f) One (1) commissioner by the county judge.

(2) Vacancies shall be filled in the same manner that original appointments are made.

(3) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the mayor and county judge shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of four (4) years and three (3) commissioners for a term of one (1) year.

(4) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of KRS 83.340 to 83.350. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; Provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers and printers.

(5) The books of the commission shall be audited by an independent auditor who shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the mayor and the county judge.

SECTION 2. A NEW SECTION OF KRS CHAPTER 83 IS CREATED TO READ AS FOLLOWS:

(1) The commission established pursuant to subsection (1) of KRS 83.340 shall be composed of nine (9) members to be appointed by the mayor of the largest city in the county, the county judge and the Governor of the Commonwealth.

(2) The mayor of the largest city in the county shall appoint three (3) commissioners in the following manner:

(a) One commissioner from a list submitted by the local city hotel and motel association.

(b) One commissioner from a list submitted by the chamber of commerce of the largest city in the county.

(c) One commissioner from a list submitted by the local restaurant association or associations.

(3) The county judge shall appoint three commissioners in the following manner:

(a) One commissioner from a list submitted by the local county hotel and motel association, provided that if only one local hotel and motel association exists which covers both the city and county, then the local hotel and motel association shall submit a list to the county judge.

(b) Two commissioners shall be appointed who are residents of the county and who have an active interest in the convention and tourist industry.

(4) The Governor shall appoint three (3) commissioners in the following manner:

(a) One commissioner from a list submitted by the state fair board.

(b) One commissioner from a list submitted by the Louisville and Jefferson County air board.

(c) One commissioner shall be appointed who is a resident of the county.

(5) Vacancies shall be filled in the manner that original appointments are made.

(6) When a list as provided in parts (2) and (3) of this section, contains less than three names or when a selection from such list is not made, the appointing authority shall request in writing the submission of a new list of names.

(7) The commissioners shall be appointed for a term of three years, provided that in making the initial appointments, the mayor, county judge and Governor of the Commonwealth shall each appoint one commissioner for a term of one year, one commissioner for a term of two years, and one commissioner for a term of three years.

(8) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purposes of KRS 83.340 to 83.350. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers and printers.

(9) The books of the commission shall be audited by an independent auditor who shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the mayor, the county judge and the Governor of Commonwealth.

(10) Any member of the commission may be removable, at will without cause by the authority making such appointment.

The Committee on Health and Welfare reported **SB 174** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 174,** AN ACT relating to the aid to families with dependent children program.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 205.410, 205.420, 205.430, 205.440 and 205.450 are hereby repealed.

The Committee on Health and Welfare reported **SB 248** and **SB 249,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment to **SB 249** is as follows:

Amend printed copy of **SB 249,** page 3, lines 9 and 10, by deleting same.

The Committee on Business Organizations and Professions reported **HB 848** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 848,** AN ACT relating to employment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 18.210 is amended to read as follows:

The commissioner of personnel shall prepare and submit to the personnel board proposed rules for the classified service. Such rules shall have the force and effect of law, when approved by the board, after public notice and public hearing, and after filing with the legislative research commission in accordance with KRS chapter 13 and procedures adopted thereunder. If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the board, the commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner of personnel a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the commissioner of the executive department for finance and administration. The plan shall take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(5) For the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the personnel board for a period not to exceed one (1) additional year;

(6) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience, or who have been guilty of infamous or disgraceful conduct *except that no candidate for examination shall be rejected from taking such examination solely on the basis of his conviction of a felony or misdemeanor where such conviction would not effect performance of the position for which the examination is taken*; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(7) For the appointment of a person whose score is included in the three (3) highest scores earned on the examination;

(8) For a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. The appointing authority shall, within thirty (30) days prior to the expiration of an employe's probationary period, notify the commissioner in writing whether the probationary employe is recommended for permanent status. Only if the appointing authority certifies to the satisfactory nature of the probationary employe's services, shall permanent status be conferred;

(9) For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(10) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

(11) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(12) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part;

(13) For developing, in cooperation with the appointing authorities, uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(14) For lay-offs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off, giving consideration in both lay-offs and re-employment to qualifications, performance records, conduct and seniority in service;

(15) For imposition as disciplinary measures of a fine of not more than ten (10) days' pay or for suspension from the service without pay for not longer than thirty (30) days;

(16) For discharge or reduction in rank or grade only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner;

(17) For establishment of a plan for resolving employe grievances and complaints;

(18) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in KRS 18.170(2);

(19) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(20) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(21) For such other rules and administrative regulations not inconsistent with KRS 18.110 to 18.360, as may be proper and necessary for its enforcement.

The Committee on Cities reported **SB 154** and **SB 275** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 154,** AN ACT relating to police and firemen pensions in cities of the third class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.550 is amended to read as follows:

(1) The pensions or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the third class shall be as follows:

(a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally, while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one (1) year, a sum of not more than sixty dollars ($60.00) per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period. Provided, however, That the provisions of this paragraph shall not apply unless the disabled fireman or policeman has served from one (1) day to ten (10) years consecutively in his department, such period of service to be fixed by the board of trustees.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty per cent (50%) of his monthly salary at the time of his retirement. Provided, however, That the provisions of this paragraph shall not apply unless the disabled fireman or policeman has served from one (1) day to ten (10) years consecutively in his department, such period of service to be fixed by the board.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen (15) consecutive years of service in the department, and leaves a widow, *widower* or a child under *eighteen (18)* [fourteen (14)] years of age the board of trustees shall order a pension paid to the widow, *widower* or child. There shall be paid monthly to the widow *or widower*, while unmarried, a pension of *not less than* thirty dollars ($30.00), *or not more than fifty percent of the deceased's monthly salary at the time of retirement or death* and for each child until it reaches the age of *eighteen (18)* [fourteen (14)] years, *not less than* six dollars ($6.00) *or not more than ten percent of the deceased's monthly salary, such amount to be determined by the board of trustees.* If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of *not less than* thirty dollars ($30.00) *or not more than twenty percent of the deceased's monthly salary* [per month]. If one (1) parent is dead, the other shall receive the entire *amount* [thirty dollars ($30.00)], and if both are living, each shall receive *one half the amount,* [fifteen dollars ($15.00)] *such amount to be determined by the board of trustees.*

(2) No person shall receive a pension from the policemen's and firemen's pension fund except as provided in this section.

Section 2. KRS 95.570 is amended to read as follows:

When an active or retired member of the police or fire department, in cities of the third class, dies under the conditions set out in paragraph (c) of subsection (1) of KRS 95.550, the board of trustees of the pension fund may pay from the fund to the widow, *widower* or family a sum of not more than *two* [one] hundred dollars *($200)* [$100)], for funeral expenses.

**SB 275,** AN ACT relating to city ordinances.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 84.100 is amended to read as follows:

(1) No ordinance shall embrace more than one (1) subject, and that shall be expressed in the title. No ordinance shall be reenacted by mere reference to its title, but the ordinance reenacted shall be set forth at length, as if it were an original ordinance. No ordinance shall be amended by providing that designated words be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full as amended.

(2) All ordinances and resolutions for raising revenue shall originate in the board of councilmen. The board of aldermen may propose amendments to any such ordinance or resolution, but may not introduce, under color of amendment, new matter that does not relate to raising revenue.

(3) No ordinance or resolution shall be passed until it has been voted for by a majority of the members of each board, on a viva voce vote entered in full on its journal, and *a summary or the full text* has been read in each board at two (2) separate meetings and free discussion allowed thereon; but the requirement of a reading at two (2) separate meetings may be suspended by a vote of two-thirds (2/3) of the members of the board in which the proposed ordinance or resolution is pending.

(4) When an ordinance is put upon its final passage in either board and fails to pass, and a motion is made to reconsider the vote by which it was defeated, the vote upon the motion to reconsider shall be taken immediately and the subject finally disposed of before the board proceeds to other business. When a motion is made and carried to postpone indefinitely an ordinance or resolution, the subject shall not be introduced again for six (6) months.

(5) Every proposed ordinance or joint resolution that has passed the general council shall be presented to the mayor. If the mayor approves it, he shall sign it and return it to the board in which it originated. If he disapproves it, he shall return it with his written objections to the board in which it originated; that board shall then reconsider it, and if two-thirds (2/3) of the members concur in passing it again, it shall be sent with the mayor's objections to the other board, which shall also reconsider it, and if two-thirds (2/3) of the members of that board concur in passing it again, it shall be in force. When a disapproved ordinance or resolution is reconsidered by either board, the vote of each board shall be taken by yeas and nays and recorded in its journal. If the mayor fails to approve or disapprove a proposed ordinance or resolution within twenty (20) days after presentation to him, the same procedure shall be followed as if he had in fact disapproved the ordinance or resolution.

(6) Except as otherwise provided in this subsection, all ordinances shall be published pursuant to KRS chapter 424 in different languages if necessary. Ordinances or resolutions appropriating or paying less than fifty dollars ($50.00), ordinances for public improvements, and proposals or bids for such improvements, including detailed specifications, shall not be published, but shall be open to inspection in the proper office and notices so stating shall be published pursuant to KRS chapter 424. Except as provided in KRS 80.280, no ordinance required to be published shall be in force until it has been so published.

Section 2. KRS 85.110 is amended to read as follows:

(1) No ordinance shall take effect until *a summary or the full text* [it] has been twice publicly read and passed by the common council at two (2) sessions, held on different days, a majority of those present voting for it on each passage, and the yeas and nays being called and entered upon the journal.

(2) All ordinances requiring the improvements of streets or alleys or the construction of sewers, or fixing salaries, or prescribing penalties, or fixing the rate of taxation or the amount of licenses, or appropriating more than one hundred dollars ($100) shall, in addition to the requirements of subsection (1) of this section, receive on each passage the votes of two-thirds (2/3) of the members of the common council, the yeas and nays being called and entered upon the journal.

(3) Every ordinance, resolution, order or measure appropriating or involving the expenditure of money, and every grant of any license, privilege or franchise shall, within three (3) days after its final passage, be correctly and legibly engrossed by the clerk and presented to the mayor for his approval. If the mayor approves it, he shall sign it; if he does not approve it, he shall return it, with his objections in writing, to the common council at its first regular meeting held not earlier than five (5) days after the ordinance, resolution or measure was presented to the mayor. It shall be immediately reconsidered by the council, and shall not take effect unless again passed, with two-thirds (2/3) of all the members voting for it, the yeas and nays being called and recorded upon the journal. If the mayor fails to return an ordinance, resolution or measure, it shall be in force from the time he should have returned it.

(4) All ordinances may be published in the same manner as the journal may be published under KRS 85.100, and proposed ordinances may be so published between their first and second passages, but failure so to publish shall not affect the validity of any ordinance.

(5) The common council may, at least once in every five (5) years, have all the ordinances of a general nature then in force printed, indexed, bound and published, and the volume so published shall be competent evidence in all courts.

(6) The city clerk shall record all ordinances in a separate book, kept by him for the purpose, and shall properly index them.

Section 3. KRS 67A.070 is amended to read as follows:

(1) Urban county governments may enact and enforce within their territorial limits such tax, licensing, police, sanitary and other ordinances not in conflict with the constitution and general statutes of this state now or hereafter enacted, as they shall deem requisite for the health, education, safety, welfare and convenience of the inhabitants of the county and for the effective administration of the urban county government.

(2) Urban county government ordinances shall be deemed to conflict with general statutes of this state only:

(a) When the ordinance authorizes that which is expressly prohibited by a general statute; or

(b) When there is a comprehensive scheme of legislation on the same subject embodied in a general statute.

*(3) No ordinance or resolution shall be considered by the urban-county government legislative body until it has been read at two separate meetings; provided, however, that the requirement for a second reading may be suspended by a two-thirds (2/3) vote of the membership of the legislative body. Requirements for reading ordinances or resolutions may be satisfied by public reading of the title and of a certified synopsis of the contents prepared by an attorney licensed to practice law in the Commonwealth of Kentucky.*

The Committee on Agriculture and Natural Resources reported **SB 261** and **SB 309,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 261,** AN ACT relating to mines and minerals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 351.175 is amended to read as follows:

(1) Within forty-five (45) days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine or reopens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

(2) The license shall be in such printed form as the commissioner may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

(3) Requests for such license shall be made to the department and such requests shall be accompanied by a U.S. postal money order or cashier's check drawn in favor of the state treasurer in *a reasonable* [the] amount *established by regulations promulgated by the commissioner of a minimum of one hundred dollars ($100) and a maximum of one thousand dollars ($1,000)* [of twenty-five dollars ($25.00) for each mine]. When the annual report of the operator and the annual mine map, as required by KRS 351.170 and 352.450, together with a certification from the commissioner of labor that the applicant, except an applicant for a mine license who employs fewer than ten (10) employes, for license has presented positive proof of compliance with the provisions of KRS chapter 342, are properly submitted to the department, the license shall be issued. The commissioner or his accredited agents shall have the authority to extend the time for filing of the map not to

exceed an additional forty-five (45) days. Upon receipt of withdrawal of the certification of the commissioner of labor the department shall forthwith revoke any license hereunder issued. Revocation of said license shall be an administrative function of the department. Appeal of said administrative function shall lie in the Fayette Circuit Court.

(4) Any owner, operator or lessee operating a mine and who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be subject to a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense. Jurisdiction for such offenses shall lie in the circuit court of the county in which the offense occurred.

(5) The mine inspector shall have the authority to stop production at the mine of any operator who fails to procure a license or fails to furnish a certification of compensation coverage as required under this section.

(6) The application for a license shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the bureau of vehicle regulation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges.

**SB 309,** AN ACT relating to wild rivers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 146.210 is amended to read as follows:

As used in KRS 146.210 to 146.350, the words listed herein shall have the following respective meanings, unless another or different meaning or intent shall be clearly indicated by the context:

(1) "Stream or watercourse" shall mean a flowing body of water or a section or portion thereof, including rivers, streams, and creeks.

(2) "Free flowing" shall mean existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any stream is proposed for inclusion in the Wild Rivers System shall not automatically bar its consideration for such inclusion; Provided, that this shall not be construed to authorize or to be intended to encourage future construction of such structures within components of the Wild Rivers System.

(3) "Road" shall mean a highway, a hard-surfaced road, or an improved or unimproved dirt road. The existence, however, of unimproved roads at the time any stream is proposed for inclusion in the Wild Rivers System shall not automatically bar its consideration for such inclusion; Provided, that this shall not be construed to authorize or to be intended to encourage future construction of such roads where this would be contrary to the provisions of KRS 146.200 to 146.350.

[(4) "Scenic easement" shall mean a perpetual easement in land which is held for the benefit of the people of Kentucky, is specifically enforceable by its holder or beneficiary, limits or obligates the holder of the servient estate, his heirs, and assigns, with respect to their use and management of the land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.]

*(4)* [(5)] "Wilderness type recreation" shall mean activities such as fishing, hunting, canoeing, camping, hiking, horseback riding, exploring, archaeological and scientific investigation, and scenic and aesthetic enjoyment, which utilizes and protects to the highest degree the primitive and natural values of the area.

*(5)* [(6)] "Visual horizon" shall mean the normal distance to which land and vegetative features can be unobstructedly viewed from the center of the stream, *at the level of the natural banks.*

*(6)* [(7)] "Access point" shall mean an area along the stream under public ownership, or under easement acquired by agreement with a private landowner. This area would be available for public recreational use including, but not limited to, the launching of boats, picnicking and camping.

*(7)* [(8)] "Secretary" shall mean the secretary for natural resources and environmental protection or the successor to that office.

Section 2. KRS 146.220 is amended to read as follows:

The General Assembly hereby recognizes that certain streams of Kentucky possess outstanding and unique scenic, recreational, geological, fish and wildlife, botanical, historical, archaeological and other scientific, aesthetic, and cultural values. It is the policy of the General Assembly to complement dam construction and development projects on Kentucky watercourses with other equally important and beneficial uses of our water resources. Therefore, it is hereby declared that in order to afford the citizens of the Commonwealth an opportunity to enjoy natural streams, to attract out-of-state visitors, to assure the well-being of our tourist industry, to preserve for future generations the beauty of certain areas untrammeled by man, it is in the interest of the Commonwealth to preserve some streams or portions thereof in their free-flowing condition because their natural, scenic, scientific, and aesthetic values outweigh their value for water development and control purposes now and in the future. For aesthetic, as well as ecological reasons, the foremost priority shall be to preserve the unique primitive character of those streams in Kentucky which still retain a large portion of their natural and scenic beauty, and to prevent future infringement on that beauty by impoundments or other manmade works. Since the stream areas are to be maintained in a natural state, they will also serve as areas for the perpetuation of Kentucky's wild fauna and flora. Few such streams remain in the Eastern portion of the United States, and the General Assembly feels a strong obligation to the people of Kentucky to preserve these remnants of their proud heritage. It is the purpose of KRS 146.200 to 146.350 to establish a Wild Rivers System by designating certain streams for immediate inclusion in the system and by prescribing the procedures and criteria for protecting and administering the system. It is not the intent of KRS 146.200 to 146.350 to require or to authorize acquisition of all lands or interests in lands within the [exterior] boundaries of the stream areas but to assure preservation of the scenic, ecological and other values and to provide proper management of the recreational, wildlife, water and other resources. *It is the intent of KRS 146.200 to 146.350 to impose reasonable regulations as to the use of private and public land within the authorized boundaries of wild rivers for the general welfare of the people of the Commonwealth, and where necessary, to enable the department to acquire easements or lesser interests in or fee title to lands within the authorized boundaries of the wild rivers, so that the public trust in these unique natural rivers might be kept.*

Section 3. KRS 146.230 is amended to read as follows:

Streams which substantially meet the following criteria are eligible for inclusion in the Wild Rivers System:

Streams or sections of streams that are essentially free-flowing, with shorelines and scenic vistas essentially primitive and unchanged, free from evidence of the works of man, and pleasing to the eye. The waters shall not be polluted beyond feasible correction and shall be kept unpolluted once corrected according to standards established by the Kentucky Water Pollution Control Commission. The area may provide a high quality fish and wildlife habitat, containing one or more unique or rare species for sport or observation. It may provide opportunities for scientific study or appreciation of essentially undisturbed ecological, geologic, or archaeologic conditions. It shall provide wilderness type recreation such as canoeing and hiking, or specialized uses without disturbing the primitive character of the area. [Within the boundary areas set forth in KRS 146.250, lands adjacent to these streams that are not already in state or other public ownership shall be protected by acquisition of fee title or by scenic easements to the full extent necessary to preserve a true primitive environment in its pristine state.]

SECTION 4. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

The streams or segments of streams to be included in this system, being classified by the above stated criteria, are as follows:

(1) The Cumberland River from Summer Shoals to the backwater of Lake Cumberland.

(2) The Red River from the Ky. 746 bridge to the mouth of Swift Camp Creek. Nothing in KRS 146.200 to 146.350 shall be construed to prohibit that portion of the Red River between Peck's Branch and Swift Camp Creek from being used to temporarily contain flood waters that may be impounded above the normal sustained pool level of any lake which may be created in the event a dam is constructed on the Red River near Bowen, Kentucky.

(3) The Rockcastle River from the Ky. 80 bridge to the backwater of Lake Cumberland. Nothing in KRS 146.200 to 146.350 shall be construed to prohibit or interfere with the relocating of Ky. 80, including the construction of a bridge at a point approximately 2.35 miles downstream from the existing Ky. 80 bridge.

(4) The Green River from the eastern boundary of Mammoth Cave National Park extending downstream and including only that portion of the river within the Mammoth Cave National Park.

(5) The Big South Fork of the Cumberland River from the Tennessee border to Blue Herron.

(6) Martins Fork, Cumberland River from Ky. Highway 987 bridge to the eastern boundary of Cumberland Gap National Park.

(7) Rock Creek from the White Oak Junction Bridge to the Kentucky-Tennessee border.

(8) Little South Fork, Cumberland River from the backwater of Lake Cumberland (mile 4.1) to the Kentucky Highway 92 bridge (mile 14.5) in Wayne and McCreary Counties.

Section 5. KRS 146.250 is amended to read as follows:

The secretary of the department for natural resources and environmental protection shall, by June 16, 1974, determine generally the boundaries of the stream area associated with the stream or stream segment initially included in the Wild Rivers System by KRS 146.200 to 146.350. Establishment of these boundaries shall be accomplished in such a way that it includes at least the visual horizon from the stream, but not more than *two thousand (2,000)* [two thousand five hundred (2,500)] feet from the center of the stream. The boundary shall further include access points, at the upstream and downstream boundary of the area.

SECTION 6. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be construed to confer upon any member of the public any right to the use of or access to private lands within the boundary of a designated wild river. Any person who trespasses on private land within the boundary of a designated wild river shall be guilty of a Class B misdemeanor, and upon conviction shall be subject to a fine not to exceed five thousand dollars ($5,000).

Section 7. KRS 146.270 is amended to read as follows:

The Wild Rivers System shall be administered by the department for natural resources and environmental protection according to the policies and criteria set forth in KRS 146.200 to 146.350. The secretary for natural resources and environmental protection *shall adopt such* [is authorized to adopt any] rules or regulations necessary for the preservation and enhancement of the stream areas as set forth in KRS 146.250, and for control of recreational, educational, scientific and other uses of these areas in a manner that shall not impair them. In such administration primary emphasis shall be given to protecting aesthetic, scenic, historic, archaeologic, and scientific features of the area. The secretary shall develop a management plan for a designated stream area and shall publicize and hold public hearings and record the views expressed on each plan developed. Management plans for a given stream area may establish varying degrees of intensity for its protection, based on special attributes of each area, but shall follow the concepts embodied in KRS 146.230. *No public use of lands within the boundaries of a designated wild river area in which the state has acquired an interest shall be permitted prior to the development of a management plan. Any such management plan shall be developed jointly with the department of fish and wildlife resources with respect to those aspects of such plan as relate to the jurisdiction of that department over fish and wildlife resources.*

Section 8. KRS 146.280 is amended to read as follows:

(1) Within the [exterior] boundaries of a designated stream area, as established and authorized by the Kentucky General Assembly, the secretary for natural resources and environmental protection is authorized and empowered to acquire by purchase, exercise of the rights of eminent domain, grant, gift, devise or otherwise, the fee simple title, *an* [to, a scenic] easement [on,] or any acceptable lesser interest in any lands, and by lease or conveyance, contract for the right to use and occupy any lands. Where property within such boundaries is owned by the federal government, the secretary can enter into agreements with the landowning agency concerning use of the property consistent with the objectives of KRS 146.200 to 146.350. Nothing in *this Act* [KRS 146.200 to 146.350] shall be construed to deprive a landowner of *the fee simple title to or lesser interest in* his property [or any interest or right therein] without just compensation.

[(2) The secretary is authorized to exercise the right of eminent domain only where it is absolutely necessary in order to acquire access points or to maintain the character of the area within the meaning of KRS 146.200 to 146.350. The secretary shall not obtain an easement if the landowner objects thereto, but in such case must obtain fee title, with full compensation to the landowner.]

*(2)* [(3)] The secretary for natural resources and environmental protection may not exercise authority to acquire lands or interests in lands located within any incorporated city, village, or county when such entities have in force a duly adopted, valid ordinance or plan for the management, zoning and protection of such lands in accordance with the provisions of KRS 146.200 to 146.350.

Section 9. KRS 146.290 is amended to read as follows:

*(1) The provisions of this section shall not apply to those uses existing at such time as a stream is included in the system.*

*(2)* Land uses to be allowed within the [exterior] boundaries of a designated stream area shall be as follows:

*New* [No new] roads, *structures* or buildings *may* [shall] be constructed *only where necessary to effect a use permitted under the other provisions of this Act.* Utility lines or pipelines *may* [shall not] be constructed *as* [unless] approved by the secretary in writing and under provision that the affected land be restored as nearly as possible to its former state. This provision, however, shall in no way affect the rights between a landowner and a utility company or pipeline company. There shall be no *strip* mining *as defined in KRS 350.010,* and select cutting of timber *or other resource removal and agricultural use, may* [shall] be allowed

[only] pursuant to regulations *promulgated* [issued] by the secretary *upon the granting of a permit under the other provisions of this Act.* All [land disturbances, including] instream disturbances such as dredging, shall be prohibited. Except for the management agency *and any existing uses which do not conform to the purposes and intent of this Act, travel upon a wild river or any public lands within the designated boundaries thereof,* [access] shall be by foot, horseback, canoe, boat or other nonmechanical modes of transportation. If there are existing agricultural areas within the boundaries of the area, such areas may continue to be used for agricultural purposes.

*(3) Any landowner within the boundaries of the area may apply to the secretary for a change of use to permit the select cutting of timber, a resource removal or an agricultural use upon his property located within the area and the secretary shall hold a public hearing after public notice on the application within sixty (60) days. The landowner or any interested person shall be allowed to present evidence as to whether the proposed use by the applying landowner are in accordance with the management plan developed pursuant to KRS 146.270, the purpose and intent of the Wild Rivers Act as expressed in KRS 146.220, and other applicable law.*

*(4) The secretary shall, within sixty (60) days, after said hearing, either:*

*(a) Issue an order, with accompanying opinion, denying the permit; or*

*(b) Issue an order, with accompanying opinion, granting the permit with such restrictions, terms and conditions as are appropriate to protect to the fullest extent possible the wild rivers area and the public trust therein within the intent of KRS 146.220; or*

*(c) Recommend an alternate use to which the land may be put under this Act which is more consistent with the purposes and intent of this Act than the use for which application was made.*

*(d) Institute condemnation proceedings in the circuit court of the county in which the land is located or else negotiate a purchase of the land affected, or any interest therein.*

*(5) On or before thirty (30) days from the date of the secretary's ruling, the landowner may file with the department a written objection to the ruling. If, within the next sixty (60) days the landowner and the secretary are unable to reach an agreement with respect to a modification of his ruling, the secretary must either permit the use applied for, condemn the property, or petition the Franklin Circuit Court for an order restraining the proposed use. The order shall be entered immediately upon the filing of the petition and the execution of a bond without surety by the Commonwealth in an amount satisfactory to the court to indemnify the landowner against loss of profits from any wrongful restraint of the use of his property during the period from the filing of the petition until such time as the matter is included by the courts. The court shall review the decision as to both law and fact; but no factual finding shall be reversed unless clearly erroneous or else arbitrary, capricious, or an abuse of discretion.*

SECTION 10. A NEW SECTION OF KRS CHAPTER 146 IS CREATED TO READ AS FOLLOWS:

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 11. KRS 146.240 is repealed.

The Committee Amendment to **SB 309** is as follows:

Amend printed copy of **SB 309,** page 3, line 2, by deleting "*, at*"

and on page 3, line 3, by deleting "*the level of the natural banks*"

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Education: **SB 327.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Public Utilities and Transportation: **SB 212.**

## Introduction of Resolutions

**HR 115,** by Representatives Boatwright and White: A RESOLUTION directing the Legislative Research Commission to conduct a study of retirement programs and benefits for non-certified employes of boards of education.

**HR 120,** by Representatives Stephens, Kenton, Hopkins, Blume, Kleier, LeMaster, Beshear, Wells, Sale, and Bevins: A RESOLUTION honoring the University of Kentucky "Wildcats" and the University of Louisville "Cardinals" basketball teams for their representation of the Commonwealth in the National Invitational Tournament.

## Motions, Petitions and Communications

Representative Stephens moved the adoption of the following **HR 120:**

**HR 120,** A RESOLUTION honoring the University of Kentucky "Wildcats" and the University of Louisville "Cardinals" basketball teams for their representation of the Commonwealth in the National Invitational Tournament.

WHEREAS, the Commonwealth of Kentucky is known throughout the nation and the world for the excellence of basketball as such is played in the universities of the state; and

WHEREAS, annually the state is proud to have several teams participating in post-season tournaments; and

WHEREAS, the "Wildcats" and "Cardinals" of the University of Kentucky and the University of Louisville are currently engaged in such action in the National Invitational Tournament in New York City; and

WHEREAS, the House of Representatives desires to recognize the fine representation of Kentucky by both teams;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives does hereby recognize the University of Kentucky "Wildcats" and the University of Louisville "Cardinals" as excellent representatives of the Commonwealth of Kentucky in the 1976 National Invitational Tournament in New York City.

Section 2. That the House does further honor the "Wildcats" and the "Cardinals" for their accomplishments in reaching the tournament, and does extend to both teams congratulations and best wishes for victory.

Section 3. That the Clerk of the House is hereby directed to forward copies of this resolution to the coaches and team members of both teams.

**HR 120** was adopted by voice vote.

## Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative B. Richardson moved that the rules be suspended for the purpose of reading the report of the Committee on Rules. Agreed.

## Report of Committees

The Committee on Rules reported **HB 745, HB 796** with Committee Amendment attached thereto, **HB 807, HB 817, SB 23** with Committee Amendment attached thereto, **SB 25, HB 757, SB 32, SB 172, HB 825, HB 826, HB 850, HJR 64, SB 157, SB 173, SB 297, SB 216, SB 263, SB 264, SB 307, SB 320, SB 330, SB 346, SB 357, SB 363, SB 367, SCR 1, SR 49, SB 248,** and **SB 249** have been posted for passage in Orders of the Day, March 15, 1976.

The Committee on Rules reported the following Bills and Resolutions have been recommitted:

Public Utilities and Transportation: **HB 721, HB 244.**

Business Organizations and Professions: **HB 787.**

State Government: **HR 55.**

Education: **SB 78.**

Banking and Insurance: **SB 112.**

Appropriations and Revenue: **SB 254, SB 362**

Cities: **HB 395.**

Counties and Special Districts: **HB 570.**

## Announcements

The following members filed Floor Amendments to Bills:

Representative Bruce, No. 2 to **SB 256.**

Representative Stephens, No. 1 to **HB 687.**

Representative Clarke, Title to **SB 369.**

Representative Little, No. 1 to **SB 157.**

Representative Mason, No. 1 to **HB 638.**

Representative Overstreet, No. 1 to **HB 772.**

Representative Hopkins, No. 3 to **SB 75.**

Representative B. Richardson, No. 1 to **SB 253.**

Representative Hughes, No. 1 to **SB 349.**

Representative B. Richardson, No. 1 to **SB 363.**

Representative B. Richardson, No. 4 to **SB 362.**

Representative B. Richardson, No. 1 to **SB 248.**

Representative B. Richardson, No. 1 to **SB 188.**

Representatives Bruce and Morris, No. 2 to **HB 713.**

Representative McBride, Title to **SB 359.**

Representative Wells, No. 1 to **SB 170.**

Representative B. Adams, No. 1 to **SB 218.**

Representative Deskins, No. 2 to **SB 157.**

Representative Freeman, No. 1, No. 2, and Title to **SB 211.**

The following members filed requests with the Clerk to have their names added as co-sponsors of Bills and Resolutions: Representative LeMaster, **HB 517;** Representative Burnette, **HB 148;** Representative Rommes, **HB 823;** Representative Ackerson, **HB 778;** Representative Donnermeyer, **HB 161;** Representative King, **HB 161;** Representative Ackerson, **HJR 50;** Representative Holbrook, **HB 517;** Representative Beshear, **HB 136, HB 138, HB 209, HB 248, HB 249, HB 252, HB 743;** Representative White, **HB 713;** Representative Imes, **HB 161, HB 713;** Representative Hardwick, **HB 852.**

Representative Morris moved that the rules be suspended for the purpose of allowing members to make requests in regard to voting. Agreed.

These members requested as being recorded as voting as follows:

**HB 268:** Representative Morris, "yea".

**HB 455, HB 371, HB 737, HB 761, HB 646, HB 764:** Representative Deskins, "yea".

**HB 371:** Representative DeFalaise, "nay".

**HB 823:** Representative Wooden, "yea".

**HB 178, HB 30, HB 678, HB 677, HB 676, HB 675, HB 674, HB 20, SB 113, SB 100, SB 118:** Representative Richards, "yea".

**HB 715, HB 761:** Representative Hopkins, "yea".

**HB 584:** Representative Kidd, "yea".

**HB 531:** Representative Pearl, "yea".

Representative Imes requested that he be recorded as voting as follows: "yea" on **HB 161, HB 187, HB 249, HB 286, HB 292, HB 322, HB 459, HB 464, HB 547, HB 602, HB 626, HB 641, HB 645, HB 647, HB 651, HB 688, HB 690, HB 709, HB 738, HB 740, HB 741, HB 759, HB 760, HB 763, HB 765, HB 778, HB 783, HB 799, HB 806, HB 809, HB 816, HB 818, HB 838, HB 842, HCR 41, HCR 84, HJR 50, HJR 73, HJR 75, HJR 100, HR 87, HR 110, HR 111, HR 112, HR 113,** and "nay" on **HB 120, HB 175, HB 276, HB 774,** and **HB 246.**

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed

## Adjournment

Representative B. Richardson moved that the House adjourn until 12 noon, Tuesday, March 16, 1976. Agreed.

## TUESDAY, MARCH 16, 1976

## FIFTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Howard Olds, Crestwood United Methodist Church, Crestwood, Kentucky.

The roll was called. All present except Representative Maynard.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 15, 1976, be dispensed with and the same approved. Agreed.

### Report of Committees

The Committee on Education reported **SB 327, SB 103,** and **SB 354** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 327,** AN ACT relating to elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 117.225 is amended to read as follows:

Any person desiring to vote on election day shall give his name and address to the clerk of the election. If the person's name is listed on the precinct list furnished by the state board of elections as provided in KRS 117.025 *or as provided in KRS 117.015,* and if no challenge is made, he shall sign his name on the precinct list in the space opposite his printed name. The voter's signature shall constitute his verification that he is a properly registered and qualified voter. The voter shall then retire alone to cast his vote on the voting machine. There shall be provided by the county board of elections to each precinct the original registration form of each voter entitled to vote in that precinct. This form shall be for comparative signature purposes.

Section 2. KRS 118.215 is amended to read as follows:

(1) Not less than forty-five (45) days before a primary or regular election is to be held, and after the order of the names has been determined as provided in KRS 118.225, the secretary of state shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence and party of each candidate for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him, and shall designate the device under which the candidate groups or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors. Candidates for county offices shall be listed in the following order: county judge, commonwealth's attorney, county attorney, circuit clerk, county clerk, sheriff, jailer, county commissioner, property valuation administrator, coroner, justice of the peace and constable. The names of candidates for president and vice president shall be certified in lieu of certifying the names of the candidates for presidential electors.

(2) All independent candidates whose nominating petitions are filed with the county clerk shall be listed under the title and device designated by them, or if none is designated, under the word "independent". If the same device is selected by two groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device.

(3) *The* [When any city so provides by ordinance, the] ballots used at any election in which city officers are to be elected *as provided by subsection (2) of this section* shall contain the names of candidates for such city offices grouped according to the offices they seek, and such candidates shall be immediately arranged under and beneath the title of office such candidates seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which such candidates are to be elected shall be separated from the preceding or succeeding

groups by a line transversing the entire ballot and spaced so as to avoid confusion on the part of the voter.

(4) The secretary of state shall not knowingly certify to the county clerk of any county the name of any candidate who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate who has filed the required nomination papers.

(5) If any candidate withdraws before certification, the secretary of state shall not certify his name. If any candidate withdraws before ballot labels are printed, the clerk shall not cause his name to be printed on a ballot label.

**SB 103,** AN ACT relating to the age of entrance to school.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 158.030 is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who *satisfies the age requirements of this Act* [is six years of age and over] has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by *December 1, 1977; November 1, 1978; October 1, 1979; or September 1, 1980, and any year thereafter* [December 31 following the opening of school] may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. *However, any child who becomes six years of age prior to December 31 of the year in which he enters the first grade may enter school prior to reaching the age of six if it can be shown by methods approved by the State Board of Education, upon recommendation of the Superintendent of Public Instruction, that such child has demonstrated appropriate readiness for entrance to school. Prior to December 1, 1977, the State Board of Education shall adopt regulations providing for appropriate methods of readiness testing.* [Any child who becomes six years of age later than December 31 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.] Entrance age requirements for those pupils attending an approved kindergarten in the common schools shall be as established in accordance with regulations adopted under KRS 157.315.

Section 2. The Department of Education may provide kindergarten programs from the regular foundation program funds, and in accordance with KRS 157A.020, for those pupils who will become ineligible for first grade as a result of this Act.

**SB 354,** AN ACT relating to the school term.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five days. The superintendent of public instruction, upon the approval of the state board of education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension; but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled to begin with the first Thursday after Easter or upon request of the statewide professional educational association having the largest paid membership, the superintendent of public instruction may designate alternate dates. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.*

*(2)* Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

*(3)* [(2)] *Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils.* The board of education of any school district may use no more than four days of the minimum school term for holidays, *two (2) days for the opening and closing of schools without the presence of pupils,* [three days for in-service training and professional work, three days for attendance at state and district meetings of professional education associations,] a total of five days for (a) national or state disaster or mourning when proclaimed by the President of the United States or the governor of the commonwealth of Kentucky, and (b) local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

*(4)* The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days *and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff.*

The Committee on Elections and Constitutional Amendments reported **SB 30,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 30,** AN ACT proposing an amendment to the Constitution of Kentucky relating to equal rights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. IT IS PROPOSED THAT THE CONSTITUTION OF KENTUCKY BE AMENDED BY ADDING THERETO THE FOLLOWING NEW SECTION:

Section 3A. Equality of rights under the law shall not be abridged or denied because of sex.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

The Committee Amendment to **SB 30** is as follows:

Amend printed copy of Senate Bill 30, page 1, after the title, by inserting the following:

"WHEREAS, at the First Extraordinary Session of 1972, the General Assembly of the Commonwealth of Kentucky, by Joint Resolution, ratified an amendment to the Constitution of the United States proposed by House Joint Resolution 208 of the Ninety-Second Congress (Second Session), proposing the 27th amendment to the Constitution of the United States, relative to equal rights for men and women and reading as follows:

### Joint Resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

## Article

Section 1. Equality of rights under law shall not be denied or abridged by the United States or any state on account of sex.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

WHEREAS, it is the desire of the General Assembly of the Commonwealth of Kentucky that the Joint Resolution of the General Assembly of the Commonwealth of Kentucky ratifying the amendment be withdrawn;"

and on page 1, by deleting lines 1 through 10 and inserting in lieu thereof the following:

"Section 1. That the ratification of the proposed 27th amendment to the Constitution of the United States, relative to equal rights for men and women, effected for Kentucky by the adoption of House Joint Resolution 2 at the First Extraordinary Session of 1972 of the Kentucky General Assembly, is withdrawn, the action of the General Assembly of the Commonwealth of Kentucky thereon is hereby rescinded, and House Joint Resolution 2 is repealed.

Section 2. That copies of this Act, duly certified by the Secretary of State of the Commonwealth of Kentucky with the Great Seal of Kentucky attached thereto, be sent to the Administrator of General Services of the United States, Washington, D. C., to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States. The Secretary of State of this Commonwealth shall also cause certified copies of the Act to be sent to the Governor of each of the United States."

The Committee on Judiciary-Statutes reported **SB 230** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 230,** AN ACT relating to the protection of adults.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. CHAPTER 209 OF THE KENTUCKY REVISED STATUTES IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the Kentucky Adult Protection Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

The purpose of this Act is:

(1) To provide for the protection of adults who may be suffering from abuse, neglect, or exploitation, and to bring said cases under the purview of the circuit or county court.

(2) To provide that any person who becomes aware of such cases shall report them to a representative of the bureau, thereby causing the protective services of the state to be brought to bear in an effort to protect the health and welfare of these adults in need of protective services and to prevent abuse, neglect, or exploitation.

SECTION 3. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

As used in this chapter unless the context otherwise requires:

(1) "Secretary" means the secretary of the department for human resources.

(2) "Department" means the department for human resources.

(3) "Bureau" means the bureau for social services of the department for human resources.

(4) "Adult" means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning, is unable to manage his own resources, carry out the activities of daily living, or protect

himself from neglect, hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person to assist him and may be in need of protective services.

(5) "Protective services" means agency services undertaken with or on behalf of an adult in need of protective services who is being abused, neglected, or exploited. These services may include, but are not limited to conducting investigations of complaints of possible abuse, neglect, or exploitation to ascertain whether or not the situation and condition of the adult in need of protective services warrants further action; social services aimed at preventing and remedying abuse, neglect, and exploitation; and services directed toward seeking legal determination of whether or not the adult in need of protective services has been abused, neglected or exploited and to ensure that he obtains suitable care in or out of his home.

(6) "Caretaker" means an individual or institution who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily, or by contract, or agreement.

(7) "Abuse or neglect" means the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult, or a situation in which an adult, living alone, is unable to provide or obtain for himself the services which are necessary to maintain his health or welfare.

(8) "Exploitation" means the improper use of funds by a caretaker which have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.

(9) "Investigation" shall include, but is not limited to, a personal interview with the individual reported to be abused, neglected, or exploited. When abuse, or neglect is allegedly cause of death, a coroner's or doctor's report shall be examined as part of the investigation.

SECTION 4. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

(1) The secretary may, within his discretion, adopt such rules, regulations, procedures, guidelines, or any other expressions of policy necessary to effect the purpose of this Act insofar as such action is reasonably calculated to serve the public interest.

(2) Any person, including, but not limited to, physician, nurse, social worker, department personnel, coroner, medical examiner, alternate care facility employe, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause reports to be made in accordance with the provisions of this Act. Death of the adult does not relieve one of the responsibility for reporting the circumstances surrounding the death.

(3) An oral or written report shall be made immediately to the bureau upon knowledge of the occurrence of suspected abuse, neglect, or exploitation of an adult. Any person making such a report shall provide the following information, if known: The name and address of the adult, or of any other person responsible for his care; the age of the adult; the nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect, or exploitation; the identity of the perpetrator, if known; the identity of the complainant, if possible; and any other information that the person believes might be helpful in establishing the cause of abuse, neglect, or exploitation.

(4) Upon receipt of the report, the bureau shall take the following action as soon as practical:

(a) Notify the appropriate law enforcement agency;

(b) Initiate an investigation of the complaint; and

(c) Make a written report of the initial findings together with a recommendation for further action, if indicated.

(5) Any representative of the bureau may enter any health facility or health service licensed by the department at any reasonable time to carry out its responsibilities under this Act.

(6) Any representative of the bureau may with consent of the adult or caretaker enter any private premises where any adult alleged to be abused, neglected, or exploited is found in order to investigate the need for protective services for the purpose of carrying out the provisions of this Act. If the adult or caretaker does not consent to the investigation, a search warrant may issue upon a showing of probable cause that an adult is being abused, neglected, or exploited, to enable a representative of the bureau to proceed with the investigation.

(7) If a determination has been made that protective services are necessary when indicated by the investigation, the bureau shall provide such services within budgetary limitations, except in such cases where an adult chooses to refuse such services.

(8) In the event the adult elects to accept the protective services to be provided by the department, the caretaker shall not interfere with the department when rendering such services.

SECTION 5. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

Any circuit court may upon proper application by the department issue a temporary restraining order or other injunctive relief to prohibit any violation of this Act, regardless of the existence of any other remedy at law.

SECTION 6. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:
Anyone acting upon reasonable cause in the making of any report or investigation pursuant to this Act, including representatives of the department in the reasonable performance of their duties in good faith, and within the scope of their authority, shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or investigation.

SECTION 7. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:
Neither the psychiatrist-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding the abuse, neglect, or exploitation of an adult or the cause thereof in any judicial proceeding resulting from a report pursuant to this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:
No adult may be adjudicated incompetent or committed to a mental institution under this Act.

SECTION 9. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:
Anyone knowingly and willfully violating the provisions of this Act shall be punished by a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). Each violation shall constitute a separate offense.

## Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for consideration:

Banking and Insurance: **SB 136, SB 217.**

## Calendar

**SB 369, SB 359** with Committee Amendments attached thereto, **SB 298, HB 837, SB 90, SB 176, SB 186, SB 218, SB 294** with Committee Amendment attached thereto, **SB 341** with Committee Amendment attached thereto, **SR 25, SB 347** with Committee Substitute attached thereto, **SB 188** with Committee Amendment attached thereto, **HCR 105, SB 290, SB 352, SB 274, SB 364, HR 98, SB 148, SB 149, SB 266, SB 267, SB 268, SB 269, SB 358, SB 193, SB 174, HB 848, SB 154, SB 275, SB 261,** and **SB 309** with Committee Amendment attached thereto, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

## Orders of the Day

**SB 169** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Brinkley, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, DeMarcus, Denham, Deskins, Dietz, Doss, Dunn, Fitzgerald, Foster, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, Kleier, Lindsay, Little, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Rattliff, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, J. Turner, Vincent, Wright, Yates. Nays 0.

**SB 169** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 169** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 161** be recommitted to the Committee on Judiciary-Courts. Agreed.

**SB 171** takem from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 63-Ackerson, J. Allen, W. Allen, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Hancock, Hardwick, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, Little, May, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, J. Turner, R. Turner, Vincent, White, Wooden, Wright, Yates. Nays 5-Beshear, DeFalaise, Holbrook, Lindsay, Tobin.

**SB 171** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 171** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

Announcing passage of **HB 456** with Amendment and **HB 85** with Amendment.

## Orders of the Day (continued)

**SB 203** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, Lindsay, Little, May, McBride, McGill, Morris, Muncy, O'Brien, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, White, Wooden, Wright, Yates. Nays 0.

**SB 203** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 203** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 211** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freeman moved the adoption of the following Floor Amendment No. 1 to **SB 211**:

Amend printed copy of Senate Bill 211, page 16, following line 23, by adding the following:

"Section 14. KRS 352.020 is amended to read as follows:

(1) The ventilation of all underground coal or clay mines shall be produced by means of mechanically operated fans located outside the mine in fireproof housing and offset at least fifteen (15) feet to one side or above the opening, protected by explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. The fan shall be installed so as to prevent recirculation of mine air. In gassy mines the main fan shall be operated from a power circuit independent from the main circuit. If inside auxiliary fans are required to ventilate working places the commissioner must first approve the installation.

(2) The operator, superintendent or foreman of every coal or clay mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation. At least six thousand (6,000) cubic feet of air per minute shall be circulated around the main headings, cross headings, room headings and through the last

open breakthrough; and *a minimum of 5,000 cubic feet of air per minute* [sufficient air] shall be directed to the working faces to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases. In pillar workings at least six thousand (6,000) cubic feet of air per minute must be delivered to the beginning of the pillar line.

(3) Any gassy mine or one operating under the water table shall maintain at least nine thousand (9,000) cubic feet of air per minute at the points mentioned in subsection (2) of this section. The inspector shall have the authority to require additional air in any mine when he deems it necessary for the safety of the employes.

(4) When the air from a split has passed through and has ventilated all the working places in an air split of a mine it shall then be designated as return air.

(5) As working places advance, breakthroughs for air shall be made ninety (90) feet apart, except that where longwall or modern systems of mining are used the commissioner may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the mine inspector so as to keep the working places well ventilated. Doors on the main haulways shall be avoided in gassy mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(6) In a mine where methane can be found to an extent of one per cent (1%) or more on the return of any one (1) split, the inspector, with the approval of the commissioner may require the mine to be ventilated by the exhaust system, requiring the haulage roads and all trolley and feed wires to be located on the intake air and the electrical system to be so arranged that no wires carrying electrical current shall be on return air. A period of not more than ninety (90) days from date of notification shall be allowed to make the changes required."

and on page 16, line 24, by changing "Section 14" to read "Section 15".

Agreed.

Representative Freeman moved the adoption of the following Floor Amendment No. 2 to **SB 211:**

Amend printed copy of Senate Bill 211, page 16, following line 23, by adding the following:

SECTION 14. A NEW SECTION OF KRS CHAPTER 352 IS CREATED TO READ AS FOLLOWS:

(1) A mine safety committee shall be created for each mine employing twenty-five (25) or more miners. The members appointed to each mine safety committee shall be appointed by the union representing the majority of the miners in the mine. In the event that a majority of the miners in the mine are not represented by a single union, the miners shall elect by majority vote the members to serve on the committee. Each member appointed or elected shall hold a valid first-class mine foreman's certificate.

(2) The members of the mine safety committee shall be employed by the owner or operator of the mine and shall be paid the same compensation as a first class mine foreman. The members of the committee shall have no other duties but mine safety.

(3) The member or members on each mine safety committee shall be determined in accordance with the following number of miners in each mine: 25 to 100, one member; 101 to 200, two members; 201 to 400, three members; 401 to 600, four members; 601 to 800, five members; and for each additional 200 miners, one additional member.

(4) Each member of the mine safety committee shall have the power and authority to close a mine or a section thereof which is being operated in violation of this chapter and to report violations of this chapter. In the event of a mine or mine section closure, the member of the committee taking the action shall immediately notify the federal Mine Enforcement and Safety Administration, the department, the mine superintendent, and the other members of the committee. Other violations of this chapter shall be reported immediately to the mine superintendent, the mine foreman, the department, and the federal Mine Enforcement and Safety Administration after the close of the work shift during which the violation occurred.

(5) The owner or operator of a mine or mine section closed by action of a member of the mine safety committee may petition the circuit court as provided in KRS 352.430 (3) or may petition the department to investigate the mine immediately and the department shall:

(a) uphold the closing of the mine or mine section; or

(b) reopen the mine or section immediately; or

(c) order the correction of certain conditions before the mine or section thereof may be reopened.

(6) The department shall order the union appointing or the members electing, the members to a committee to withdraw the appointments of those members serving on the committee who have closed a mine or section thereof twice in a twelve-month period and the department subsequently ordered the immediate reopening of the mine.

(7) The certification of a member serving on the mine safety committee may be revoked as provided for mine foremen in KRS 352.390."

and on page 16, line 24, by changing "Section 14" to read "Section 15".

Agreed.

Representative B. Richardson moved that **SB 211,** as amended, be passed.

On the roll call the vote was yeas 85-Ackerson. B. Adams. A. S. Adams. J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, Little, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 1-Lindsay.

**SB 211,** as amended, was passed.

Representative Freeman moved the adoption of the following Title Amendment to **SB 211:**

Amend printed copy of Senate Bill 211, page 1, by striking the title thereof and substituting therefor the following: "AN ACT relating to safety."

The Title Amendment to **SB 211** was adopted.

Representative B. Richardson moved that the vote by which **SB 211,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 259** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 259** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 259** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 276** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-Ackerson. B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Head, Imes, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, J. Turner, Vincent, White, Wible, Wooden, Yates. Nays 14-W. Allen, Blair, Blythe, Burnette, DeFalaise, DeMarcus, Hardwick, Holbrook, Hopkins, Mason, Overstreet, Rattliff, R. Turner, Wright.

**SB 276** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 276** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **SB 277** be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 110,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the Committee Substitute for **SB 110.** Agreed.

Representative Beshear moved that **SB 110,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 75-Ackerson. B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Imes, Isler, Jones, Kenton, Kidd, King, Lindsay, Little Mann, Mason, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 1-W. Allen.

**SB 110,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 110,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SCR 14** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved that **SCR 14** be adopted.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Imes, Isler, Kenton, Kidd, Lindsay, Little, Mann, Mason, McBride, McGill, Morgan, Muncy, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**SCR 14** was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 14** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 277** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 1:

Amend printed copy of Senate Bill 277, page 1, subsection 1, line 8, following the third word "statutory", insert the phrase: *or any independent school district whose January 1, 1975, assessment per pupil in average daily attendance would have been reduced because of the use of the assessment made for state purposes as of January 1, 1975.*

On page 1, subsection 2, line 13, eliminate the "period" following the fourth word "county", eliminate the bracket immediately preceding the fifth word "except". On the fourteenth line, following the completion of the word "districts", insert the phrase, *qualifying under KRS 132.280.* and reinsert the bracket immediately preceding the word "embraced".

Lines 13 and 14 would read:

Court of each county except in independent school districts *qualifying under KRS 132.280.* [embraced . . .]

On page 2, subsection 3, line 11, immediately preceding the fourth word "if" remove the bracket. On the 18th line immediately following the first word "the" remove bracket and eliminate the inserted word "the". This has the effect of restoring language in lines 11 through 18 which had been eliminated.

Agreed.

Representative Clarke moved that **SB 277,** as amended, be passed.

On the roll call the vote was yeas 53-B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brown, Carpenter, Clarke, Crupper, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Holbrook, Hopkins, Isler, Jones, Kenton, Kidd, King, Little, Mann, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Stephens, Vincent, Wells, Wible, Wooden, Yates. Nays 26-Ackerson, A. S. Adams, W. Allen, Bennett, Brinkley, Bruce, Burnette, Cooper, Cyrus, Dawahare, Doss, Fitzgerald, Gay, Gray, Head, Hughes, Imes, Lindsay, Morris, Priddy, Romines, Siler, J. Turner, R. Turner, White, Wright.

**SB 277,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 277,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 279** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **SB 279** be passed.

On the roll call the vote was yeas 64-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Brown, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, Mann, Mason, McBee, McGill, Morgan, Morris, Muncy, Nett, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Stephens, J. Turner, R. Turner, Vincent, Wible, Wooden, Yates. Nays 15-Ackerson, W. Allen, Blythe, Bruce, Doss, Floyd, Hughes, Imes, McBride, O'Brien, Overstreet, Romines, Tobin, White, Wright.

**SB 279** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 279** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 329** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Carpenter, Clapp, Clarke, Cooper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Gay, Givhan, Hancock, Hardwick, Hopkins, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Tobin, J. Turner, Vincent, Wible, Wooden, Yates. Nays 17-A. S. Adams, W. Allen, Boatwright, Brown, Bruce, Burnette, Crupper, Doss, Freeman, Gray, Head, Holbrook, Lindsay, P. Richardson, R. Turner, White, Wright.

**SB 329** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 329** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 166** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hancock, Head, Holbrook, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Tobin, J. Turner, R. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 7-Ackerson, DeMarcus, Hardwick, Hopkins, Lindsay, Overstreet, Rattliff.

**SB 166** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 166** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 187** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Adams moved that **SB 187** be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Tobin, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 3-Blair, Fitzgerald, R. Turner.

**SB 187** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 187** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Recess

Representative B. Richardson moved that the House recess until 1:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Orders of the Day (continued)

**SB 214** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Gay, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, McBee, McBride, McGill, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, P. Richardson, Romines, Sale, Schmidt, Siler, Stephens, Stewart, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wright, Yates. Nays 2-Burnette, Imes.

**SB 214** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 214** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 220** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 53-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dietz, Donnermeyer, Doss, Dunn, Givhan, Gray, Head, Isler, Kenton, Kidd, King, Kleier, Little, Mann, Mason, McBee, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Priddy, Richards, B. Richardson, Romines, Sale, Stephens, Stewart, J. Turner, Vincent, Wells, Wooden, Wright, Yates. Nays 35-A. S. Adams, W. Allen, Arnold, Blythe, Brown, Burnette, Crupper, DeMarcus, Denham, Deskins, Floyd, Freeman, Gay, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Jones, LeMaster, Lindsay, May, McBride, Morris, Pearl, Rattliff, Schmidt, Tobin, Thomas, R. Turner, White, Wible.

**SB 220** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 220** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 96** takem from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Vincent moved that **SB 96** be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Bendl, Benson, Clarke, Head, Nett, O'Brien.

**SB 96** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 96** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 223,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **SB 223.** Agreed.

Representative B. Richardson moved that **SB 223,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 89-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 223,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 223,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 243** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Ackerson. B. Adams, A. S. Adams, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Demarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, White, Wible, Wooden, Wright, Yates. Nays 5-J. Allen, W. Allen, DeFalaise, Deskins, Little.

**SB 243** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 243** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 224** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Adams moved that **SB 224** be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Floyd, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, R. Turner, Vincent, White, Wible, Wright, Yates. Nays 2-Brinkley, Fitzgerald.

**SB 224** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 224** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 244** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56-B. Adams, Bennett, Benson, Blandford, Blume, Blythe, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Floyd, Gay, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Hughes, Imes, Isler, Jones, Kenton, King, Mason, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, White, Wible, Wooden, Yates. Nays 22-J. Allen, Arnold, Beshear, Boatwright, Crupper, Denham, Deskins, Fitzgerald, Guenthner, Hancock, Hopkins, LeMaster, Lindsay, Little, Mann, Nett, Overstreet, P. Richardson, Siemens, Thomas, R. Turner, Wright.

**SB 244** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 244** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 296** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, McBee, McBride, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Cooper, DeMarcus, Holbrook, Lindsay, Overstreet, R. Turner.

**SB 296** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 296** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 299** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 3-Lindsay, Overstreet, R. Turner.

**SB 299** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 299** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 226,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Committee Amendment to **SB 226.** Agreed.

Representative Bruce moved that **SB 226,** as amended, be passed.

On the roll call the vote was yeas 87-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Holbrook.

**SB 226,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 226,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 242** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SB 242** be passed.

On the roll call the vote was yeas 82-Ackerson. B. Adams. A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 2-Brinkley, Overstreet.

**SB 242** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 242** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 258** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mason, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, R. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 258** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 258** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 1, HB 172, HB 444, HB 447, HB 540, HB 583, HB 678, HB 731, HR 13, SB 1, SB 151, SB 190, SB 144, SB 116,** SB 84, **SB 50, SB 121,** and **SR 23** had been examined and found correctly enrolled. **HB 1, HB 172, HB 444, HB 447, HB 540, HB 583, HB 678, HB 731, HR 13,** SB 1, **SB 151, SB 190, SB 144, SB 116, SB 84, SB 50, SB 121,** and **SR 23** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 1, HB 172, HB 444, HB 447, HB 540, HB 583, HB 678, HB 731,** and **HR 13** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Orders of the Day (continued)

**SB 337** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Benson, Bevins, Blair. Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Cooper, Craddock, Crupper. Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Gay, Givhan, Gray. Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Thomas, J. Turner, White, Wible, Wooden, Wright, Yates. Nays 1-Lindsay.

**SB 337** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 337** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 339** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 339** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, Morgan, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Lindsay.

**SB 339** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 339** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 342** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Lindsay.

**SB 342** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 342** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 344** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 344** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 344** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 355** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 6-B. Adams, Fitzgerald, Hopkins, Lindsay, Rattliff, Stephens.

**SB 355** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 355** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 316** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gay, Givhan, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-Imes.

**SB 316** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 316** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

**SB 356** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Cooper, Craddock, Crupper, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gay, Givhan, Guenthner, Hardwick, Head, Holbrook, Hopkins, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 4-W. Allen, Burnette, Tobin, Thomas.

**SB 356** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 356** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 23,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved the passage of the Committee Amendment to **SB 23.** Agreed.

Representative Givhan moved that **SB 23,** as amended, be passed.

On the roll call the vote was yeas 51-B. Adams, Arnold, Bennett, Benson, Beshear, Bevins, Blandford, Brown, Carpenter, Clarke, Craddock, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hardwick, Head, Holbrook, Hopkins, Isler, Kidd, Kleier, Mann, Mason, May, McBee, BcBride, Morris, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Siemens, Stewart, Tobin, Thomas, Vincent, Wible, Wooden, Wright. Nays 15-J. Allen, W. Allen, Blythe, Crupper, Dietz, Imes, King, LeMaster, Lindsay, Little, Muncy, P. Richardson, Siler, J. Turner, White.

**SB 23,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 23,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 638** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved the adoption of the following Floor Amendment No. 1 to **HB 638:**

Amend printed copy of House Bill 638, page 1, line 9, following the word "directors", by inserting the following language: "*from a list of names submitted by the local historical society if such society is recognized under KRS 171.311 by the Kentucky Historical Society. Such list shall consist of at least 14 names. If a county has no recognized local historical society then the Fiscal Court shall solicit from the community at large names of interested individuals for appointment to the board. The board shall, in compliance with the provisions of KRS 171*"

And on page 1, line 9, by deleting the word "which" by bracketing out the same;

And on page 1, line 10, by deleting the word "shall" by bracketing out the same.

Agreed.

Representative Mason moved that **HB 638,** as amended, be passed.

On the roll call the vote was yeas 74-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Holbrook, Hopkins, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siler, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright. Nays 2-Denham, Sale.

**HB 638** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 638,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 172** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Overstreet moved the adoption of the following Floor Amendment No. 2 to **SB 172:**

Amend printed copy of Senate Bill 172, page 2, line 9, by deleting the words "*and re-vaccinated*" and "*at* ";

And by deleting line 10 in its entirety;

And on line 11, by deleting the following: "*the department for human resources*";

And on page 3, lines 8, 9, and 10, by deleting the underscored sentence on said lines.

Agreed.

Representative Overstreet moved that **SB 172,** as amended, be laid on the table.

On the roll call the vote was yeas 27-Ackerson, Beshear, Blandford, Burnette, Cooper, Deskins, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Jones, Lindsay, McBee, Muncy, Nett, Overstreet, Pearl, Rattliff, P. Richardson, Siler, Tobin, Thomas, Wible, Wright. Nays 33-B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Bevins, Blume, Blythe, Clarke, Craddock, Crupper, DeFalaise, Dietz, Doss, Dunn, Gray, Isler, King, LeMaster, Mason, McBride, O'Brien, Priddy, Richards, B. Richardson, Siemens, Stewart, J. Turner, Vincent, White, Wooden, Yates.

The motion that **SB 172,** as amended, be laid on the table was rejected.

Representative B. Richardson moved that **SB 172,** as amended, be passed.

On the roll call the vote was yeas 31-B. Adams, Bendl, Bennett, Benson, Bevins, Blume, Blythe, Bruce, Clarke, Craddock, Cyrus, DeFalaise, Dietz, Donnermeyer, Doss, Gray, Isler, Kidd, Mason, McBride, McGill, Morris, O'Brien, Pearl, Priddy, B. Richardson, Romines, Tobin, Vincent, Wooden, Yates. Nays 43-Ackerson, A. S. Adams, J. Allen, Arnold, Beshear, Blandford, Boatwright, Brinkley, Burnette, Cooper, Crupper, Dawahare, Denham, Deskins, Dunn, Fitzgerald, Floyd, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Jones, King, Lindsay, Little, May, McBee, Muncy, Nett, Overstreet, Rattliff, Richards, P. Richardson, Siler, Stewart, Thomas, J. Turner, Wible, Wright.

**SB 172,** as amended, was defeated.

Representative Overstreet moved that the vote by which **SB 172** was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 173** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-Ackerson. B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blume, Blythe, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Hardwick, Head, Holloway, Hopkins, Hurst, Isler, Jones, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Boatwright, Brinkley, Burnette, Holbrook, Hughes, Imes.

**SB 173** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 173** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 248** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 248:**

Amend printed copy of Senate Bill 248, page 11, lines 5 and 6, by deleting "*was or could have been discovered*" and inserting in lieu thereof the words "*is subject to discovery*".

Agreed.

Representative B. Richardson moved that **SB 248,** as amended, be passed.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wooden, Wright, Yates. Nays 1-Wible.

**SB 248,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 248** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 249,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 249.** Agreed.

Representative Overstreet moved the adoption of the Floor Amendment No. 1 to **SB 249:**

Amend printed copy of Senate Bill 249, page 12, line 23, by inserting at the end of Section 7, subsection 1, a new sentence reading: "Any licensed physician, hospital, or other licensed health care provider receiving medical malpractice insurance through the association shall as a requirement of such coverage be required to accept recipients covered by the Kentucky Medical Assistance Program."

On the roll call the vote was yeas 15-Ackerson, Benson, Cooper, Cyrus, Gray, Guenthner, Hardwick, Hopkins, Hughes, Muncy, Overstreet, Priddy, Robinson, Romines, Wright. Nays 45-B. Adams, A. S. Adams, J. Allen, Arnold, Bennett, Bevins, Blandford, Blume, Bruce, Burnette, Carpenter, Craddock, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Holbrook, Holloway, Imes, Isler, Jones, King, LeMaster, Lindsay, Mann, Mason, McBride, Morgan, Morris, Pearl, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Stephens, Stewart, Tobin, J. Turner, White, Wible.

Floor Amendment No. 1 to **SB 249** was rejected.

Representative B. Richardson moved that **SB 249,** as amended, be passed.

On the roll call the vote was yeas 87-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright. Nays 0.

**SB 249,** as amended,was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 249,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 263** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Carpenter, Clarke, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Muncy, Nett, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 4-Brown, Burnette, Lindsay, Overstreet.

**SB 263** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 263** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 264** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Wible, Wooden, Wright, Yates. Nays 0.

**SB 264** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 264** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 558,** with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 558:**

Amend printed copy of House Bill 558, page 19, line 11, by deleting the words "*thirty-seven*";

and on page 19, line 12, by deleting the words "*thousand dollars ($37,000)*" and by removing the bracket before the word "thirty-one";

and on page 19, line 13, by removing the bracket after the figure "($31,500)" and inserting after the word "annum" and before the comma "," the words "*until June 30, 1976, and thereafter the salary of each judge of the court of appeals payable out of the state treasury should be thirty-seven thousand dollars ($37,000)*";

and on page 21, line 8, by adding after the word "Act" the words "; provided, however, that Sections 17 and 18 of this Act shall become effective on July 1, 1976".

Agreed.

Representative B. Richardson moved that **HB 558,** as amended, be passed.

On the roll call the vote was yeas 58-Ackerson, B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blume, Blythe, Brown, Carpenter, Clapp, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Head, Holloway, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Little, Mann, May, McBee, McBride, McGill, Morgan, Muncy, Pearl, Priddy, B. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, Vincent, Wells, White, Wible, Wooden, Yates. Nays 22-Beshear, Boatwright, Brinkley, Bruce, Burnette, Clarke, Denham, Floyd, Hardwick, Holbrook, Hopkins, Imes, Lindsay, Morris, Nett, Overstreet, Rattliff, Richards, Robinson, Stephens, Thomas, J. Turner.

**HB 558,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 558,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 297** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 297:**

Amend printed copy of Senate Bill 297, page 4, line 24, by deleting the word "*after*" and by deleting the words "*and concurrence*"; and on

Page 6, line 7, by adding a new sentence to read "*The department shall furnish to the committee proposed amendments to the code for the committee's review prior to their adoption by the department.*"

Agreed.

Representative B. Richardson moved that **SB 297,** as amended, be passed.

On the roll call the vote was yeas 69-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Brown, Carpenter, Clapp, Craddock, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 14-Boatwright, Bruce, Burnette, Cooper, Crupper, DeFalaise, Freeman, Hardwick, Imes, Morris, Overstreet, Rattliff, Siler, Wright.

**SB 297,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 297,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 307** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **SB 307** be passed.

On the roll call the vote was yeas 70—A.S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Carpenter, Clapp, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Siemens, Siler, Tobin, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 11—B. Adams, Blythe, Bruce, Burnett, Crupper, Imes, Lindsay, Morris, P. Richardson, Schmidt, Stephens.

**SB 307** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 307** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 320** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Cyrus, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Stephens, Tobin, Vincent, Wells, Wible, Yates. Nays 7-Crupper, Denham, Deskins, Nett, Siler, Wooden, Wright.

**SB 320** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 320** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 330** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved the adoption of the following Floor Amendment No. 1 to **SB 330:**

Amend printed copy of Senate Bill 330, page 2, line 25, after "Section 6." by inserting "All provisions of"; by deleting "This" and inserting in lieu thereof "this";

and on page 2, line 26, after the period at the end of the line, by inserting "Sections 2 and 4 of this Act shall expire January 1, 1978."

Agreed.

Representative Wible moved that **SB 330,** as amended, be passed.

On the roll call the vote was yeas 74-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brinkley, Brown, Burnette, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Hancock, Head, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Boatwright, DeFalaise, Deskins, Guenthner, Holbrook, Imes.

**SB 330,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 330,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 346** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **SB 346** be passed.

On the roll call the vote was yeas 49-A. S. Adams, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Blythe, Bruce, Carpenter, Clapp, Craddock, Crupper, Cyrus, Denham, Dietz, Donnermeyer, Doss, Dunn, Floyd, Gay, Givhan, Gray, Hancock, Head, Hopkins, Isler, Kidd, King, Little, Mann, McBee, McBride, McGill, Morris, O'Brien, Pearl, Priddy, P. Richardson, Romines, Sale, Siemens, Tobin, Thomas, Wells, White, Wible, Wooden. Nays 26-B. Adams, J. Allen, Burnette, DeFalaise, Deskins, Fitzgerald, Guenthner, Holbrook, Holloway, Hughes, Imes, Jones, LeMaster, Lindsay, Mason, May, Muncy, Nett, Rattliff, Richards, B. Richardson, Schmidt, Siler, Stephens, Vincent, Wright.

**SB 346** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 346** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 256,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage.

Representative Hurst moved the adoption of the Committee Amendment to **SB 256.** Agreed.

Representative Hurst moved that **SB 256,** as amended, be passed.

On the roll call the vote was yeas 59-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gay, Givhan, Guenthner, Holbrook, Holloway, Hopkins, Hurst, Isler, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, Morris, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, Romines, Schmidt, Stephens, Thomas, Vincent, Wells, Wooden, Wright, Yates. Nays 22-Bennett, Cooper, Crupper, Cyrus, Denham, Floyd, Hancock, Hardwick, Head, Hughes, Imes, Jones, King, May, Muncy, Overstreet, Rattliff, P. Richardson, Sale, Siler, Tobin, White.

**SB 256,** as amended, was passed.

Representative Hurst moved the adoption of the following Floor Title Amendment to **SB 256:**

Amend printed copy of Senate Bill 256, page 1, by striking the word "dealer" from the title thereof.

Agreed.

Representative B. Richardson moved that the vote by which **SB 256,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 32** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved that **SB 32** be passed.

On the roll call the vote was yeas 49-Ackerson, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Brown, Carpenter, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Gay, Givhan, Gray, Hopkins, Isler, Jones, Kidd, King, Kleier, Lindsay, Little, Mann, Mason, McBee, McGill, Morgan, Muncy, Nett, Overstreet, Priddy, B. Richardson, Romines, Sale, Siemens, Siler, Thomas, Wooden, Wright, Yates. Nays 22-B. Adams, Arnold, Bevins, Blythe, Bruce, Crupper, Denham, Guenthner, Hancock, Holbrook, Holloway, Hughes, Imes, May, McBride, O'Brien, Pearl, Richards, P. Richardson, Stephens, Tobin, Vincent.

**SB 32** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 32** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Cooper moved that the rules be suspended for the purpose of requesting that he be recorded as voting YEA on **HB 558.** Agreed.

**SB 357** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Bevins, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kleier, LeMaster, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, B. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Vincent, Wells, White, Wooden, Wright, Yates. Nays 15-Benson, Beshear, Blandford, Blythe, Denham, Doss, Hughes, Kidd, King, Lindsay, Overstreet, Rattliff, Richards, P. Richardson, Tobin.

**SB 357** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 357** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 363** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siler, Stephens, Vincent, White, Wooden, Wright, Yates. Nays 7-J. Allen, Deskins, Hopkins, Nett, O'Brien, Overstreet, Tobin.

**SB 363** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 363** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 367** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Boatwright, Brown, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wooden, Wright, Yates. Nays 4-J. Allen, Blandford, Fitzgerald, Morris.

**SB 367** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 367** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SCR 1** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved that **SCR 1** be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Isler, Jones, King, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wooden, Wright, Yates. Nays 3-Gray, Imes, Mann.

**SCR 1** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 1** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SR 49** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Craddock moved that **SCR 49** be adopted.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wooden, Wright, Yates. Nays 0.

**SCR 49** was adopted.

Representative B. Richardson moved that the vote by which **SCR 49** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 745** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that **HB 745** be passed.

On the roll call the vote was yeas 34-Ackerson, J. Allen, Bendl, Bennett, Benson, Blandford, Clapp, Cyrus, Dawahare, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gray, Isler, Kidd, LeMaster, Little, Mann, McGill, Morgan, Muncy, Priddy, Robinson, Romines, Siler, Stewart, Thomas, J. Turner, Wells, White, Yates. Nays 37-B. Adams, Arnold, Beshear, Bevins, Blythe, Boatwright, Brinkley, Bruce, Burnette, Clarke, Cooper, Craddock, Crupper, DeFalaise, Denham, Givhan, Guenthner, Hancock, Hopkins, Imes, Jones, Lindsay, Mason, May, McBride, Morris, Nett, Overstreet, Pearl, Richards, P. Richardson, Sale, Siemens, Stephens, Tobin, Wooden, Wright.

**HB 745** was defeated.

**HB 757** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freeman moved that **HB 757** be passed.

On the roll call the vote was yeas 48-A. S. Adams, Arnold, Bennett, Brinkley, Brown, Burnette, Clapp, Cooper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Freeman, Gay, Gray, Guenthner, Hancock, Hardwick, Holloway, Hopkins, Imes, Isler, Kidd, King, Kleier, LeMaster, Lindsay, Little, May, Muncy, Nett, O'Brien, Overstreet, Priddy, Rattliff, Robinson, Romines, Siler, Stephens, Stewart, J. Turner, Vincent, Wells, Wright. Nays 11-Beshear, Blythe, Boatwright, Bruce, Clarke, Mason, McBride, Morris, Pearl, P. Richardson, Schmidt.

**HB 757** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 757** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HB 796,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved the adoption of the Committee Amendment to **HB 796.** Agreed.

Representative McGill moved that **HB 796,** as amended, be passed.

On the roll call the vote was yeas 63-Ackerson, B. Adams, Bendl, Bennett, Benson, Bevins, Blandford, Blythe, Boatwright, Bruce, Burnette, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mason, McBee, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stewart, Tobin, J. Turner, Vincent, White, Wooden. Nays 2-McBride, Stephens.

**HB 796** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 796** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 75,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved the adoption of the Committee Amendment to **SB 75.** Agreed.

Representative Mann moved the adoption of the following Floor Amendment No. 1 to **SB 75:**

Amend printed copy of Senate Bill 75, page 7, line 18, by deleting the words "a minimum of" after the word "within" and before the word "thirty".

Agreed.

Representative Mann moved the passage of **SB 75,** as amended.

Representative Hopkins moved the adoption of the following Floor Amendment No. 3 to **SB 75** by roll call vote:

Amend printed copy of Senate Bill 75, page 7, by inserting after line 2 the following:

"(7) The employment agency shall provide the applicant with the following information in writing each time the applicant is referred to a prospective employer.

(a) The name and address of the firm.

(b) The name of the person who will interview the applicant.

(c) The rate of pay on which the fee will be based."

and on page 7, line 3, by deleting "(7)" and inserting in place thereof "(8)";

and on page 7, line 17, by deleting the words "without fault of";

and on page 7, line 18, by deleting the words "the employe" and the words "a minimum of";

and on page 7, line 21, by inserting after "employed." the following "If termination occurs within 180 days without fault of the employe, the fee shall be computed at the rate of the full fee for each month of full time employment."

Agreed.

Representative Imes moved that consideration of **SB 75** be deferred and that it be placed first in Orders of the Day on March 17, 1976.

On the roll call the vote was yeas 23-Ackerson, Bennett, Carpenter, Cooper, Craddock, Cyrus, Dawahare, Denham, Gray, Guenthner, Hancock, Head, Holloway, Imes, Jones, Mason, Morgan, Overstreet, Priddy, Rattliff, Sale, White, Wooden. Nays 35-B. Adams, J. Allen, Bendl, Benson, Bevins, Blandford, Blume, Blythe, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Holbrook, Isler, Kenton, LeMaster, Mann, May, McBee, McBride, Muncy, Nett, Richards, B. Richardson, P. Richardson, Siemens, Siler, Tobin, Thomas, J. Turner, Yates.

The motion that consideration of **SB 75**, as amended, be deferred and that it be placed first in Orders of the Day on March 17, 1976, was rejected.

Representative Hopkins moved the adoption of the Floor Amendment No. 3 to **SB 75**.

On the roll call the vote was yeas 30-Beshear, Bevins, Blythe, Boatwright, Brinkley, Carpenter, Cooper, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Fitzgerald, Gray, Guenthner, Holbrook, Hopkins, Hughes, Imes, Mason, Muncy, Overstreet, Priddy, Rattliff, Robinson, Romines, Schmidt, Tobin, J. Turner. Nays 34-Ackerson, B. Adams, Bendl, Bennett, Benson, Blandford, Blume, Burnette, Clapp, Clarke, Craddock, Dietz, Donnermeyer, Doss, Dunn, Hancock, Holloway, Isler, Kenton, LeMaster, Mann, McBee, McBride, Morris, O'Brien, Pearl, Richards, B. Richardson, Sale, Siemens, Stephens, Thomas, White, Yates.

The Floor Amendment No. 3 to **SB 75** was rejected.

Representative Mann moved that **SB 75**, as amended, be passed.

On the roll call the vote was yeas 42-Ackerson, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Carpenter, Clarke, Craddock, Donnermeyer, Dunn, Givhan, Guenthner, Hancock, Head, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Mann, Mason, McBee, McBride, Nett, Pearl, Richards, B. Richardson, Sale, Siemens, Stephens, Thomas, Vincent, White, Wooden, Yates. Nays 34-B. Adams, A. S. Adams, J. Allen, Bennett, Brinkley, Burnette, Cooper, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Doss, Fitzgerald, Gray, Hardwick, Holbrook, Hopkins, Hughes, King, Lindsay, McGill, Morris, Muncy, O'Brien, Overstreet, Priddy, Rattliff, P. Richardson, Robinson, Stewart, Tobin, J. Turner.

**SB 75**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 75**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 807** be recommitted to the Committee on Cities. Agreed.

**HB 817** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 817** be passed.

Representative McBride moved that consideration of **HB 817** be postponed until March 20, 1976, at midnight.

Representative Benson moved that **HB 817** be laid on the table.

On the roll call the vote was yeas 15-Ackerson, J. Allen, Bendl, Benson, Blume, Blythe, Hughes, Kleier, McBride, Pearl, Schmidt, Siemens, Tobin, Thomas, Wooden. Nays 52-B. Adams, A. S. Adams, Arnold, Bennett, Bevins, Blandford, Boatwright, Brinkley, Burnette, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Givhan, Gray, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Isler, Jones, King, LeMaster, Lindsay, Mann, Mason, May, McBee, Muncy, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siler, Stephens, Stewart, J. Turner, Vincent, White, Wright, Yates.

The motion that **HB 817** be laid on the table was rejected.

On the roll call the vote was yeas 15-Bendl, Bennett, Benson, Clarke, Dawahare, Doss, Hancock, Hughes, Kleier, Pearl, Priddy, B. Richardson, P. Richardson, Schmidt, Wooden. Nays 63-Ackerson, B. Adams, A. S.

Adams, J. Allen, Arnold, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Donnermeyer, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Muncy, Overstreet, Rattliff, Richards, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wright, Yates.

The motion that consideration of **HB 817** be postponed until March 20, 1976, midnight, was rejected.

On the roll call the vote was yeas 61-B. Adams, Bennett, Bevins, Blandford, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Craddock, Cyrus, Dawahare, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, O'Brien, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siler, Stewart, Tobin, J. Turner, Vincent, White, Wright, Yates. Nays 19-Ackerson, A. S. Adams, J. Allen, Bendl, Benson, Beshear, Blume, Blythe, Crupper, Hopkins, Hughes, Kleier, Nett, Overstreet, Pearl, Schmidt, Siemens, Stephens, Wooden.

**HB 817** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 817** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 276, SB 203, SB 171, SB 169,** SB 259, and **SCR 14** had been examined and found correctly enrolled. **SB 276, SB 203, SB 171, SB 169, SB 259,** and **SCR 14** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (continued)

**HB 825** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved that **HB 825** be passed.

On the roll call the vote was yeas 76-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, Sale, Siler, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wooden. Nays 0.

**HB 825** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 825** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

Announcing passage of **HB 639, HB 138** with Amendment, **HB 289, HB 526,** HB 218, **HB 378, HB 564, HB 532, HB 416, HB 585, HB 712, HB 478, HB 325,** HB 355 with Amendment, **HB** 142 with Amendment, **HB 590, HB 362, HB 675, HB 194, HB 455, HB 674,** and **HB 191.**

### Orders of the Day (continued)

**HB 826** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved that **HB 826** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wooden, Wright. Nays 0.

**HB 826** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 826** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**HJR 64** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright. Nays 0.

**HJR 64** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 64** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

### Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote and until 10:00 A.M., March 17, 1976. Agreed.

Representative Kleier moved that the rules be suspended for the purpose of introducing and acting on a resolution. Agreed.

Representative Kleier moved the adoption of the following **HR 122:**

**HR 122,** A RESOLUTION creating an Interim Special Committee to study and review legislation concerning waste water and sanitary sewerage disposal in Jefferson County and to make legislative recommendations.

WHEREAS, surface water drainage and storm sewers are a continuing problem in heavily populated areas of the County;
NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission is hereby directed to create an Interim Special Committee on surface water drainage and storm and sanitary sewers. The Interim Special Committee shall be composed of the nine senators and twenty-two representatives representing areas of Jefferson County. The Interim Special Committee shall hold hearings and conduct research including but not limited to problems of surface water drainage and storm and sanitary sewers, presented in legislation before the 1976 General Assembly. The study shall include the responsibility, financing, planning and implementation of a complete public service utility program for the County. The Interim Special Committee shall report to the Legislative Research Commission at its October, 1977 meeting and to the 1978 General Assembly.

Section 2. The Legislative Research Commission shall provide staff assistance to the committee, including use of the expertise of the faculty and staff of the state supported colleges and universities, paying reasonable consulting fees.

Agreed.

Representative Boatwright moved that the rules be suspended for the purpose of acting on a Resolution. Agreed.

Representative Boatwright moved the adoption of the following **HR 115:**

**HR 115,** A RESOLUTION directing the Legislative Research Commission to conduct a study of retirement programs and benefits for non-certified employes of boards of education.
WHEREAS, legislation enacted by the 1974 Regular Session of the General Assembly provided for retirement programs for non-certified employes of boards of education; and
WHEREAS, such legislation becomes effective during the forthcoming biennium; and
WHEREAS, there appear to be some questions regarding the full enjoyment of the intention of the General Assembly to provide retirement benefits for such employes; and
WHEREAS, the House of Representatives wishes to make certain that non-certified employes of boards of education are provided with all benefits to which they are entitled upon retirement for such service;
NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission staff, in conjunction with the Interim Joint Committee on Education, is hereby directed to conduct a study of retirement programs and benefits for non-certified employes of boards of education.

Section 2. That a report of the findings of such study, together with recommendations for ensuring that such employes are provided with proper retirement benefits, shall be submitted to the October, 1977, meeting of the Legislative Research Commission and to the 1978 Regular Session of the General Assembly.

Section 3. Staff services to be utilized in completing this study are estimated to cost $6,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

Agreed.

Representative DeFalaise moved that the rules be suspended for the purpose of introducing and acting on a Resolution. Agreed.

Representative DeFalaise moved the adoption of the following **HR 121:**

**HR 121,** A RESOLUTION offering condolences to the Albert G. Wermeling family in the tragic death of their son.

WHEREAS, the life of Albert A. Wermeling, son of Elsmere Mayor Albert G. Wermeling, was so catastrophically lost in a recent automobile mishap; and

WHEREAS, Albert A. Wermeling, nephew of George Wermeling, Mayor of Covington, departed this world as he approached the prime of his life; and

WHEREAS, this young man shall be greatly missed by both family and friends alike;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That an expression of heartfelt sympathy be extended to the family of Albert A. Wermeling.

Section 2. That the Clerk of the House of Representatives forward a copy of this resolution to the Wermeling family.

Agreed.

Representative Wooden moved the adoption of the following Legislative Citation No. 63:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Jefferson County Students Rights Committee and commends its members for their enthusiastic participation in the legislative process. This body applauds the diligent efforts of these outstanding high school students and extends appreciation for the assistance and information they have provided. This body respectfully acknowledges the industrious and inspirational contributions of the Jefferson County Students Rights Committee and extends to them sincere best wishes for the future. (Sponsored by Representative Wooden)

Agreed.

Representative Tobin moved the adoption of the following Legislative Citation No. 61:

The House of Representatives of the Commonwealth of Kentucky hereby honors the citizens of Meade County, Kentucky, for their valient and industrious efforts following the fateful tornado of April 3, 1974, and congratulates them upon the occasion of the dedication of the new Meade County Courthouse on April 3, 1976. This body commends the courageous and valorous endeavors of these fine citizens and acknowledges with respect their accomplishments in uniting to successfully rebuild the foundations of their local government. This body applauds these heroic citizens of Meade County and recognizes them as exemplary representatives of the spirit of the Commonwealth in this Bicentennial Year of 1976. (Sponsored by Representative Tobin)

Agreed.

Representative Tobin moved the adoption of the following Legislative Citation No. 62:

The House of Representatives of the Commonwealth of Kentucky hereby honors the citizens of Brandenburg, Kentucky, for their valient and industrious efforts following the fateful tornado of April 3, 1974, and congratulates them upon the occasion of the dedication of the new Brandenburg City Hall on April 3, 1976. This body commends the courageous and valorous endeavors of these fine citizens and respectfully acknowledges their accomplishments in uniting to successfully rebuild the foundations of their local government. This body applauds these heroic citizens of Brandenburg and recognizes them as exemplary representatives of the spirit of the Commonwealth in this Bicentennial Year of 1976. (Sponsored by Representative Tobin)

Agreed.

Representative Dawahare moved that the rules be suspended for the purpose of introducing and acting on a Resolution. Agreed.

Representative Dawahare moved the adoption of the following **HR 123:**

**HR 123,** A RESOLUTION urging the establishment of a School for Mining Engineering.

WHEREAS, Kentucky is, and for several years has been, the largest coal producing state in the nation; and

WHEREAS, the need for coal mining will continue to expand in the future; and

WHEREAS, the need of the coal industry for engineers is strong and will continue to grow; and

WHEREAS, Kentucky does not have an identified mining engineering school; and

WHEREAS, the University of Kentucky has the faculty and laboratories to found this school;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the University of Kentucky be urged to consider the establishment of a School for Mining Engineering.

Section 2. That the Clerk of the House of Representatives be directed to transmit this resolution to the President of the University of Kentucky.

Agreed.

Representative Gray moved the adoption of the following Legislative Citation No. 45:

The House of Representatives of the Commonwealth of Kentucky hereby honors Mrs. Cellia Cole of Marshall County on her one hundredth birthday. Mrs. Cole was born March 16, 1876 in the Darnall Community. At present, she has seven living children. This body commends Mrs. Cole as a fine Kentuckian and wishes her continual health. (Sponsored by Representative Gray)

Agreed.

Representative B. Richardson moved that no other business be conducted except Report of Committees, Senate Messages, Introduction of Resolutions, Announcements, and Adjournment. Agreed.

Representative B. Richardson moved that the rules be suspended to allow all Bills and Resolutions reported out of the Committee on Rules to go directly to Orders of the Day. Agreed.

### Motions, Petitions, and Communications (continued)

The following members filed Floor Amendments to Bills:

Representative B. Richardson: No. 1 to **SB 14.**

Representatives Vincent and Arnold: No. 2 to **SB 14.**

Representative Lindsay: No. 1 to **SB 56.**

Representative Guenthner: Title to **SB 75,** No. 4 to **SB 75.**

Representative Mason: Title to **SB 147,** No. 1 to **SB 147.**

Representative Burnette: No. 2 to **SB 155.**

Representative Pearl: No. 1 to **SB 216,** No. 2 to **SB 216.**

Representative Overstreet: No. 1 to **SB 249.**

Representative B. Richardson: No. 2 to **SB 253.**

Representative Clarke: Title to Committee Substitute to **SB 254.**

Representative B. Richardson: No. 1 to **SB 273.**

Representative Isler: No. 1 to **SB 327.**

Representative Overstreet: No. 1 to **SB 347.**

Representative Dawahare: No. 2 to **SB 359,** No. 3 to **SB 359.**

Representative Morgan: No. 5 to **SB 362.**

Representative DeMarcus: No. 1 to **SB 359.**

Representative Arnold moved that the rules be suspended and that he be recorded as voting NAY on **HB 558.** Agreed.

Representative Arnold moved that the rules be suspended and that he be recorded as voting YEA on **SB 50.** Agreed.

Representative Fitzgerald moved that the rules be suspended and that he be recorded as voting YEA on **SB 220.** Agreed.

Representative Boatwright moved that the rules be suspended and that he be recorded as voting NAY on **HB 640** and YEA on **SB 214.** Agreed.

Representative Morris moved that the rules be suspended and that he be recorded as voting YEA on **SCR 14** and YEA on **SB 248.** Agreed.

Representative Thomas moved that the rules be suspended and that he be recorded as voting YEA on **SCR 14** and YEA on **SB 203.** Agreed.

Representative Benson moved that the rules be suspended and that he be recorded as voting NAY on **SB 75.** Agreed.

Representative O'Brien moved that the rules be suspended and that he be recorded as voting NAY on **HB 558.** Agreed.

Representative Brinkley moved that the rules be suspended and that he be recorded as voting NAY on **SB 256.** Agreed.

Representative Bruce moved that the rules be suspended and that he be recorded as voting NAY on **SB 226.** Agreed.

Representative Ackerson moved that the rules be suspended and that he be recorded as voting YEA on **HB 660.** Agreed.

### Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour, Representative Boatwright assumed the Chair and call the House to order.

Representative B. Richardson moved that the House proceed with business as previously agreed. Agreed.

## Report of Committees

The Committee on State Government reported **SB 56** with Committee Amendment attached thereto, and **SJR 22** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 56,** AN ACT relating to legislative ethics.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 6.750 is created to read as follows:

As used in this Act, unless the context requires otherwise:

(1) "Board" means the board of ethics of the Kentucky general assembly;

(2) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;

(3) "Economic opportunity" means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a legislator may gain an economic benefit;

(4) "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one or more legislative matters;

(5) "Legislative matter" means any bill, resolution, nomination or other issue or proposal pending before the general assembly or any committee, subcommittee or commission thereof;

(6) "Legislator" means a member or member-elect of the general assembly;

(7) "Lobbying" means communicating directly or soliciting others to communicate with any legislator with the purpose of influencing any legislative action;

(8) "Lobbyist" means "lobbyist" as it is defined in KRS 6.250;

(9) "Person with whom the legislator maintains a close economic association" means a person associated with the legislator in a partnership, business, or professional service corporation, whether as partner, officer, employe, associate, or otherwise;

(10) "Member of a legislator's family" means either the legislator's spouse or the legislator's sons or daughters, parents, grandparents, brothers or sisters, whether of the whole blood or the half blood; and

(11) "State agency" means any department, office, commission, board or authority within the executive department, and includes state-supported universities and colleges.

Section 2. KRS 6.755 is created to read as follows:

Any person shall, while serving as a legislator, endeavor to pursue a course of conduct which will not tend to raise suspicion among the people of the commonwealth that such person may be engaged in acts in violation of the trust vested in him by the people. The principles of ethical behavior for legislators shall recognize that:

(1) In a representative democracy, the elected representatives of the people need to be drawn from all levels of society and from the broadest possible range of occupations and professions so as to keep the general assembly representative of the people which it represents.

(2) Citizens who serve as legislators cannot and need not be expected to be without all personal interest in the decisions and policies of government.

(3) Citizens who serve as legislators retain their rights, as citizens, to interests of a personal, financial or economic nature.

(4) Standards of ethical conduct for legislators need to determine those conflicts of interest which are substantial and material or which, by the nature of the perceived conflict of interest, tend to bring representative government into disrepute.

Section 3. KRS 6.760 is created to read as follows:

(1) When a legislator's personal or private interest conflicts with the public interest and tends to affect his independence of judgment, in accordance with section 57 of the constitution, his legislative activities are subject to limitations. Where any such conflict exists, he shall disqualify himself from voting upon any question in which he has a personal or private interest. However, when such a conflict exists, a legislator may participate in the business of the general assembly and its committees, except to vote, and in so doing, he is presumed to act in good faith and in the public interest.

(2) A legislator may introduce but shall not vote for any legislation on his own behalf, or on behalf of any other person, corporation, partnership, trust or business entity which directly affects such legislator or in which such legislator has or may have a personal or private interest, other than legislation affecting legislative

salaries, expenses and allowances; provided that this provision shall not preclude a legislator from voting for any proposed general legislation.

(3) When a legislator introduces or co-sponsors legislation in which he has or may have a personal or private interest he shall disclose that fact on the jacket of the bill by writing, following his signature, "having a personal or private interest in the subject of this legislation." Such disclosure shall appear on the printed copy of the bill which the legislator has introduced.

(4) When a legislator abstains from voting on legislation in which he has or may have a personal or private interest, he shall, in accordance with section 57 of the constitution, disclose that fact to his respective legislative body in the following manner:

(a) On any vote by the house of which the legislator is a member that affects the disposition of legislation in which he has a personal or private interest, a legislator shall advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation. A legislator may request that a statement be entered verbatim in the journal setting out his interest in the legislation to be voted on and his reasons for abstention.

(b) In committee, a legislator shall advise the presiding officer that he has a personal or private interest in the legislation and shall be excused from voting. The legislator may request that a statement be entered in the minutes of the meeting setting out his interest in the legislation to be voted on and his reasons for abstention.

Section 4. KRS 6.765 is created to read as follows:

A legislator has an interest which is in conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state, arising from any situation, if he has reason to believe or expect that because of his personal or private interest he or any member of his family or persons with whom the legislator maintains a close economic association will derive a direct monetary gain or suffer a direct monetary loss as a direct result of his legislative vote on proposed legislation in committee or on the floor.

A personal or private interest may be presumed to exist when a legislator:

(1) Has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent (5%) of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which could be affected by proposed or pending legislation; or is an officer, director, or agent for any such corporation, company, association or firm, partnership, proprietorship, or any other business entity of any kind or character which could be affected by proposed or pending legislation; or

(2) Has or acquires a close economic association with, or is a member of the family of, a person who is a lobbyist or who employs or has employed a lobbyist to propose legislation or to influence proposed legislation on which the legislator has or may be expected to vote; or

(3) Accepts or solicits or agrees to accept a gift, loan, gratuity, discounts, favors, services, or economic opportunity of significant value or having aggregate value of $200 or more during a biennial period and twelve (12) months thereafter from a person who could be affected by or who has an interest in an enterprise which would be affected by proposed legislation or under circumstances from which it could reasonably be inferred that the purpose of the donor is to influence him in the performance of his official duties. This provision shall likewise apply where such gifts, loans, gratuities, discounts, favors, services, or opportunities are accepted by a member of a legislator's family.

This subsection does not apply to the following:

(a) A usual and customary loan made in the ordinary course of business by a person, or institution authorized by law to engage in the business of making loans; or

(b) An occasional non-pecuniary award publically presented by a nonprofit organization for performance of public service; or

(c) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for a legislator's personal attendance at a convention or other meeting at which he is scheduled to participate and for which attendance no reimbursement is made by the Commonwealth of Kentucky; or

(d) Any political contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if such contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the donor is to substantially influence the legislator in the performance of his official duties.

A personal or private interest may not exist if any benefit or detriment which accrues to the legislator, as a member of a business, profession, occupation or other group, or to a member of his family or business associate is of no greater extent than the benefit which accrues generally to other members of such business, profession, occupation or other group.

Section 5. KRS 6.770 is created to read as follows:

In the consideration of a legislator's abstention from voting because of a possible conflict of interest, the following guidelines should be considered:

(1) Whether a substantial threat to his independence of judgment has been created by his personal or private interest;

(2) The effect of his participation on public confidence in the integrity of the legislature;

(3) Whether his participation is likely to have any significant effect on the disposition of the matter;

(4) The need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature; or

(5) Whether the proposed or pending legislation will affect him in a manner differently from the public or will affect him as a member of a business, profession, occupation, or group to no greater extent generally than other members of such business, profession, occupation, or group.

(6) A legislator may request an advisory opinion from the Board of Ethics in accordance with the Board's rules of procedure.

Section 6. KRS 6.775 is created to read as follows:

(1) No legislator shall use his influence as a member of the general assembly in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest.

(2) No legislator shall use his official position or office to obtain financial gain for himself, any members of the legislator's family, or persons with whom the legislator maintains a close economic association.

(3) No legislator shall use or attempt to use his official position to secure or create privileges, exemptions, advantages, contracts or treatment for himself or others in derogation of the public interest at large.

(4) No legislator in order to further his own economic interests, or those of any other person, shall disclose or use confidential information acquired in the course of his official duties.

(5) No legislator shall receive, directly or indirectly, any interest, profits or prerequisites arising from the use or loan of public funds in his hands or to be raised through any agency of the general assembly.

(6) No legislator shall act as officer or agent for the commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association or firm in which he or his spouse has any interest greater than five percent (5%), of the total value thereof.

(7) No legislator shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than five percent (5%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract, agreement, sale or purchase of the value of twenty-five dollars ($25) or more, made, entered into, awarded or granted by any state agency, unless said contract, agreement, sale or purchase was made or let after public notice and competitive bidding.

(8) No legislator shall be in any manner interested, either directly or indirectly, in his own name or in the name of any member of his family or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such legislator may be called upon to act or vote. No legislator shall represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such legislator may be called upon to act or vote. Any contract made and procured in violation hereof is void. For the purposes of this subsection the holding of less than five percent (5%) of the stock of a corporation is not considered an interest.

Section 7. KRS 6.780 is created to read as follows:

(1) No legislator shall accept any economic opportunity, under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties.

(2) No legislator shall take or solicit, or agree to take, either directly or indirectly any bribe to do or omit to do any act in his official capacity.

(3) No legislator shall charge to or accept from a person known to have a legislative interest a price, fee, compensation or other consideration for sale or lease of any property or the furnishing of services which is substantially in excess of that which the legislator would charge in the ordinary course of business.

(4) No person with a legislative interest shall offer or confer an economic opportunity on a legislator or a member of the legislator's family or a person with whom a legislator maintains a close economic association with intent to influence that legislator's official conduct, or to create good will on the part of the legislator toward any person with a legislative interest.

(5) No person with whom a legislator maintains a close economic association nor a member of the legislator's family shall accept an economic opportunity when he knows, or has reason to believe that there is a substantial possibility that the economic opportunity is being offered with intent to influence that legislator's

official conduct. Where feasible, a person with a close economic association with a legislator or a member of a legislator's family shall also decline to accept an economic opportunity which presents a substantial threat to the legislator's independence of judgment.

Section 8. KRS 6.785 is created to read as follows:

(1) No legislator shall engage in lobbying, as that term is defined in KRS 6.750, for compensation, other than that provided by law for members of the general assembly. Nothing in this section prohibits a legislator from lobbying without compensation.

(2) If any person with whom a legislator maintains a close economic association or is a member of the legislator's family is known by the legislator to be engaged in compensated lobbying, that legislator shall immediately disclose that fact to the Board of Ethics in a written statement identifying the person so engaged, specifying the particular legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying. Such statements shall be opened to public inspection.

Section 9. KRS 6.790 is created to read as follows:

(1) No legislator shall accept compensation, other than that provided by law for members of the general assembly, for performance of his legislative duties. No person, other than state officials or employes performing their duties in making payments to members of the general assembly as provided by law, may pay or offer to pay any person any compensation for performance of his legislative duties.

(2) No legislator shall solicit, accept, or agree to accept, gifts, loans, gratuities, discounts, favors, or services having an aggregate value of $200 or more during a biennial period and twelve (12) months thereafter from any one person known to have legislative interests, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence him in the performance of his official duties.

This subsection does not apply to:

(a) Any political contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if such contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the donor is to substantially influence the member in the performance of his official duties.

(b) A usual and customary commercial loan made in the ordinary course of business.

(3) A legislator may accept contributions from private sources for use in defraying the expenses necessarily related to the adequate performance of his legislative duties, but any legislator accepting such contributions shall file, at such time, in such manner, and in such detail, as the board may prescribe, a written statement with the board describing the amount of such contributions and the uses to which they are put.

Section 10. KRS 6.795 is created to read as follows:

(1) No legislator, by himself or through others, shall use or attempt to use any means to influence a state agency in derogation of the public interest at large.

(2) Whenever a legislator appears before a state agency he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or personal or private interest.

(3) No legislator shall, for compensation, appear before a state agency as an expert witness.

(4) No legislator shall receive or agree to receive compensation for representing any person in any transaction involving the state, provided that this subsection shall not apply to:

(a) A legislator representing a person when such representation requires the legislator to possess a special license, permit or technical knowledge to properly represent the person;

(b) An attorney appearing or negotiating on behalf of his client in any matter involving the state in any court in an action involving the state or before any state agency;

(c) A legislator making inquiry for information on behalf of another from any state agency if no fee or reward is given or promised in consequence thereof;

(d) A legislator representing a constituent before a state agency if no fee or reward is given or promised in consequence thereof; or

(e) Any firm or association with which a legislator is associated appearing or rendering services in relation to any matter or transacting business with a state agency unless the fact of that association is used to influence or attempt to influence the state agency in rendering its decision.

(5) No legislator shall receive or enter into any express or implied agreement to receive compensation for services to be rendered in relation to any case, proceeding, application or other matter before any state agency, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit other than a monetary claim. Nothing in this section shall be deemed to prohibit the fixing at any time of fees based upon the usual and customary value of the services rendered.

(6) No legislator shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency as defined in KRS 61.094 for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court.

(7) No legislator shall enter into any agreement, expressed or implied, for compensation for services in connection with any judicial or administrative proceeding before a state agency wherein his official position might reasonably be expected to give him unusual influence.

(8) Whenever a legislator considers entering into an agreement for compensation for representing any person in any transaction involving the state, he should consider the following factors:

(a) Whether the matter is being brought to him in an attempt to obtain improper influence over the state agency;

(b) Whether there is a reasonable possibility that the action of the state agency will be unduly influenced because of his participation; or

(c) The effect of his participation on public confidence in the integrity of the legislature.

Section 11. KRS 6.800 is created to read as follows:

(1) No legislator shall accept any appointment as an officer or employe of the commonwealth or any state agency except as provided in section 165 of the constitution unless he shall have first resigned his membership in the general assembly, and it shall be unlawful for the state treasurer to pay any salary by reason of such appointment until the resignation has been received by the presiding officer of the house of which he is a member.

(2) No legislator shall, while in the discharge of the duties of his office, become intoxicated by the use of spiritous, vinous or malt liquors. Any legislator who is unable, incompetent or disqualified to discharge any of the duties of his office because of the use of spiritous, vinous or malt liquors shall be deemed to have violated this subsection.

(3) No legislator shall engage in conduct which constitutes a breach of public trust.

Section 12. KRS 6.805 is created to read as follows:

The board shall have the power to inquire into any suspected violations of KRS 6.760 and 6.800; to make findings of fact; and to communicate its findings to the legislature, prosecutors, professional association, and other interested persons. These powers shall be exercised in accordance with the provisions of KRS 6.820.

Section 13. KRS 6.810 is created to read as follows:

(1) The board of ethics of the Kentucky general assembly is established. The members of this board shall be persons of outstanding reputation and unquestioned integrity who previously have shown an interest in the ethical conduct of public business.

(2) The board shall be composed of nine (9) members, not less than three (3) of whom shall be members of the minority party. The members shall be appointed in the following manner: two (2) members from the senate and one (1) public member appointed by the lieutenant governor; two (2) members of the house of representatives and one (1) public member appointed by the speaker of the house; and three (3) public members appointed by the Legislative Research Commission. All members of the board shall serve for a term of four (4) years. Vacancies in the membership shall be filled in the same manner as the original appointments. A vacancy exists when a term expires, when a person appointed from the senate or house of representatives ceases to be a member of such body or when a letter of resignation is received by the board.

(3) Of the new members appointed as provided in this Act, the speaker of the house shall appoint a public member for an initial term of one (1) year, the lieutenant governor shall appoint a public member for an initial term of two (2) years, and the Legislative Research Commission shall appoint a public member for an initial term of three (3) years. Thereafter all appointments shall be for a full four (4) years.

(4) The board shall elect from its membership a chairman and such other officers as it deems necessary. For attending meetings members of the board shall be paid their necessary traveling expenses and in addition thereto shall receive compensation commensurate with the provisions of KRS 7.090(2).

Section 14. KRS 6.815 is created to read as follow:

The board may employ such employes, agents and consultants as it considers necessary, and may prescribe their duties, fix their compensation and provide for reimbursement of their expenses within the amount available therefor by appropriation. The board may also engage such outside professional counsel as it considers necessary. The board and its staff may also make use of the services and facilities of the office of the attorney general or of any other state agency.

Section 15. KRS 6.820 is created to read as follows:

The board shall perform the following functions, powers, and duties:

(1) To recommend legislation relating to legislative ethics and other matters included in KRS 6.750 to 6.800;

(2) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics;

(3) To make such rules and regulations for its own functioning and exercise such powers as may be appropriate for the discharge of its duties and responsibilities of KRS 6.750 to 6.800;

(4) To, upon the request of any legislator, or whenever in the board's judgment the public interest requires, render advisory opinions on questions arising under KRS 6.750 to 6.800, and other ethical issues affecting legislators. Such advisory opinions, with such deletions and changes as may be necessary to protect the identity of the person seeking such an opinion, shall be published by the board periodically;

(5) To conduct investigations into possible violations of KRS 6.760 to 6.800, and other statutory and constitutional provisions related to legislative ethical behavior whenever in the board's judgment the public interest requires it. An individual claiming that a violation of legislative ethics has occurred shall file with the chairman of the board a written sworn statement that an unlawful practice has been committed and set forth facts upon which the complaint is based. The board shall decide within thirty (30) days after receipt of the complaint whether the complaint warrants a full investigation. Such investigations shall begin only after authorization by a majority of members of the board;

(6) When the conduct of a particular person is under inquiry pursuant to subsection (5) of this section, and the board decides to hold a hearing thereon, the board shall afford that person a notice of charges and the opportunity to present evidence, cross-examine witnesses and be represented by counsel at that hearing. The board may designate a subcommittee of the board to conduct such hearings;

(7) Because hearings conducted by the board pursuant to subsection (6) of this section may, in some cases, involve alleged misconduct by particular persons, the board may, in its discretion, hold hearings in closed session. However, any person against whom a complaint has been lodged may require that the hearing be public;

(8) The board or hearing committee thereof may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records. The board may seek the aid of any circuit court to compel obedience to such a subpeona. Notwithstanding any other provision of law, every state agency, local governmental agency and units and subdivisions thereof shall furnish to the board any documents, records, data, statements, or information which the board designates as being necessary for the exercise of its functions and duties;

(9) All information received by the board in the course of its investigations other than that disclosed at public hearing is confidential and may not be divulged except to the extent that the board finds there is good cause for releasing it;

(10) The board may publish written reports of such inquiries and of its findings and conclusions therefrom. In an appropriate case the board may also send the results of its investigation to the attorney general or to any other appropriate law enforcement officer. However, if the board finds no violation, it shall, unless requested to make public its findings by the person involved in the inquiry, retain such findings in confidence; and

(11) The board may recommend for adoption by the general assembly amendments to the code of legislative ethics for its members.

Section 16. KRS 6.825 is created to read as follows:

Nothing in this Act is intended to nor is to be construed as repealing or modifying in any way the provisions of any of the criminal or penal laws of this state but shall be held and construed as ancillary and supplemental thereto.

Section 17. KRS 61.096 is amended to read as follows:

(1) No [member of the general assembly, or] officer or employe *of the general assembly* [thereof], or officer or employe of an agency as defined in KRS 61.094, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.

(2) No [member of the general assembly, or] officer or employe of an agency, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employe may be called upon to act or vote. No such officer or employe may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employe may be called upon to act or vote.

Nor may any such officer or employe take, solicit or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five per cent (5%) of the stock of a corporation is not considered an interest.

(3) No [member of the general assembly,] officer or employe *of the general assembly* [thereof] or officer or employe of any agency shall, for compensation, appear before an agency as an expert witness.

(4) No [member of the general assembly,] officer or employe *of the general assembly* [thereof], or officer or employe of any agency, shall act as officer or agent for the commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association or firm in which he or his spouse has any interest greater than five per cent (5%) of the total value thereof.

[(5) No member of the general assembly may accept any appointment as an officer or employe of the commonwealth or any agency unless he shall have first resigned his membership in the general assembly, and it shall be unlawful for the state treasurer to pay any salary by reason of such appointment until the resignation has been accepted by the officer having a duty to call a special election to fill the particular vacancy thereby created in the general assembly.]

*(5)* [(6)] No [member of the legislature,] officer or employe of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten per cent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract or agreement for sale or purchase, as provided by *KRS* chapter 45 [of Kentucky Revised Statutes], made, entered into, awarded or granted by any agency, unless the provisions of *KRS* [said] chapter 45 are complied with.

*(6)* [(7)] No officer, employe or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application or other matter which is before said agency or before the department of state government in which said agency functions.

Section 18. KRS 6.990 is amended to read as follows:

(1) If any employer of a lobbyist fails to make the report required by KRS 6.300, or to have the names of his lobbyists registered as required by KRS 6.270, he shall for the first offense be fined not more than one thousand dollars ($1,000) and for the second and each subsequent offense not more than five thousand dollars ($5,000), and, if the offender is a corporation, its charter may be forfeited in the discretion of the court.

(2) If any officer of a corporation or association fails to make the report required by KRS 6.300 or to have the names of its lobbyists registered as required by KRS 6.270, he shall be fined not more than one thousand dollars ($1,000), or confined in the county jail not more than one (1) year.

(3) If any lobbyist violates any of the provisions of KRS 6.260 to 6.320, he shall be fined not more than five thousand dollars ($5,000) or confined in the penitentiary not more than five (5) years or both.

*(4) Violation of subsection (2) of section 3; subsections (1), (2), (3) or (4) of section 6; subsections (1) or (3) of section 7; subsection (1) of section 8; or subsection (1) of section 10 of this Act is a class D felony.*

*(5) Violation of subsection (2) of section 8; subsection (1) or (3) of section 9; or subsection (3) of section 11 of this Act is a class A misdemeanor.*

*(6) Violation of subsections (4) or (5) of section 7; or subsection (2) of section 9 of this Act is a class B misdemeanor.*

*(7) Violation of subsections (2), (4), (5) or (7) of section 10 of this Act shall be deemed a violation.*

*(8) Any person who violates subsection (5) of section 6 of this Act shall be fined not more than one thousand dollars ($1,000) or confined in the penitentiary for not less than one (1) nor more than five (5) years or both. The judgment of conviction shall recite that the offender is disqualified to hold any public office thereafter.*

*(9) Any person who violates subsection (2) of section 7 of this Act shall forfeit his office and be disqualified from the right of suffrage for ten (10) years.*

*(10) Any person who violates subsection (2) of section 11 of this Act shall be subject to disciplinary action by the House of the General Assembly of which he is a member in accordance with section 39 of the Kentucky Constitution.*

*(11) Any person who violates subsections (6), (7) or (8) of section 6; subsections (3) or (6) of section 10; or subsection (1) of section 11 of this Act shall be confined in the penitentiary for not less than six (6) months, nor more than two (2) years, or fined not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), or both, and in addition shall be judged to have forfeited any constitution or statutory office or employment which he may hold.*

*(12) In addition to the criminal penalties established by this Act, disciplinary action against any member of the general assembly may be administered by the house of the general assembly of which he is a member in accordance with section 39 of the Kentucky constitution.*

[(4) A violation of KRS 6.610 is punishable by a fine not to exceed $5,000, or imprisonment in a county jail for a term not to exceed one year, or both.

(5) A violation of KRS 6.615, 6.620, or 6.625 is punishable by a fine not exceeding $500.]

*(13)* [(6)] Any person who maliciously files with the board a false charge of misconduct on the part of any legislator or other person shall be fined not to exceed $5,000, or imprisoned in a county jail for a term not to exceed one year, or both.

Section 19. KRS 6.605 to 6.700 are hereby repealed.

The Committee Amendment to **SB 56** is as follows:

Amend printed copy of Senate Bill 56 on page 15, by deleting 12 through 15 in their entirety

and on line 18 following the word "court" by inserting "or a quasi-judicial body" and by deleting "or before any"

and on line 19 by deleting "state agency":

and on line 16 by deleting "(b)" and inserting in lieu thereof "(a)"

and on line 20 by deleting "(c)" and inserting in lieu thereof "(b)"

and on line 23 by deleting "(d)" and inserting in lieu thereof "(c)"

and on line 26 by deleting "(e)" and inserting in lieu thereof "(d)".

**SJR 22,** A JOINT RESOLUTION designating Agnes O'Rear as a Poet Laureate.

WHEREAS, the Commonwealth of Kentucky has a rich history of contributions to the realm of American literature; and

WHEREAS, the basis of this heritage is the fine support the Commonwealth has provided for its artists; and

WHEREAS, Agnes O'Rear, valued citizen of Frankfort, has advanced the wealth of Kentucky poetry with her books and her "Poem to Kentucky"; and

WHEREAS, Agnes O'Rear through her works, has created for future citizens a legacy of what it means to be a proud Kentuckian;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Agnes O'Rear, 107 Thistle Road, Frankfort, Kentucky, be designated a Poet Laureate for the Commonwealth of Kentucky.

Section 2. That a copy of this resolution be sent by the clerk to Agnes O'Rear.

The Committee on Education reported **SB 241** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 241,** AN ACT relating to leaves of absence for public school employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 161.770 is amended to read as follows:

*(1)* Upon written request of a teacher or superintendent, a board of education may grant a leave of absence for a period of not more than two (2) consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. *A board of education may pay a sum of money equivalent to all or any portion of salary to a teacher or superintendent who has been granted leave for*

*educational or professional purposes if the person taking said leave agrees in writing to return to employment with the board for no less than two years.*

*(2)* Without request, a board of education may grant [similar] leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing *and appeal* on such unrequested leave of absence or its renewal in accordance with the provisions for hearing *and* [an] appeal in KRS 161.790.

*(3)* Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status which he held prior to such leave.

*(4) Payments to any teacher or superintendent under this section by a board of education are intended and presumed to be for and in consideration of services rendered and for the benefit of the common schools and such payments do not affect the eligibility of any school district to share in the distribution of funds from the public school foundation program funds as established in KRS Chapter 157 or 157A.*

The Committee on State Government reported **HR 83, HJR 93, SB 168, SB 253,** and **SJR 13** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 83,** A RESOLUTION relating to coal roads.

WHEREAS, the United States today must continually find ways to meet our modern energy needs; and

WHEREAS, coal is a vital source among the available energy supplies; and

WHEREAS, coal producing areas have borne the burden of supplying roads for the transportation of this coal; and

WHEREAS, Kentucky is a leader among the coal states and therefore is knowledgeable of the requirements for successful coal production;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Congress of the United States be, and hereby is, petitioned and urged to provide funds for the improvement of roads in coal producing states.

Section 2. That the Clerk of the House of Representatives shall transmit copies of this resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, and each member of the Congress from this state.

**HJR 93,** A JOINT RESOLUTION on the Model Procurement Code for state and local governmental units.

WHEREAS, it is generally conceded, on a nationwide basis, that reform is needed in state and local governmental procurement of goods and services due to outdated statutes and practices, which often result in waste of the taxpayers' money and corruption; and

WHEREAS, the Law Enforcement Assistance Administration, a federal agency, made a grant to the American Bar Association for the coordination and drafting of a Model Procurement Code for consideration and adoption by state and local governmental units; and

WHEREAS, on March 3, 1975, the Commonwealth of Kentucky was notified by the American Bar Association that it had been selected as the pilot state for the model project; and

WHEREAS, on March 11, 1975, the Governor of the Commonwealth of Kentucky communicated to the American Bar Association the Commonwealth's wholehearted support and cooperation of the various agencies to be involved in the model project; and

WHEREAS, in October 1975, four (4) workshops or colloquia were conducted across Kentucky, attended by federal, state and local officials, as well as other interested persons, to study existing problems and proposed drafts of a Model Procurement Code; and

WHEREAS, the resulting draft of a Model Procurement Code makes drastic and comprehensive changes in Kentucky law and agency practices with regard to the procurement of goods and services;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Executive Department for Finance and Administration is directed to conduct a comprehensive study of the proposed Model Procurement Code.

Section 2. The study shall consist of a section-by-section comparison of the model code with existing Kentucky law and agency practices so that each proposed change can be isolated and reviewed separately.

Section 3. The Executive Department for Finance and Administration shall complete its study and submit a report to the Governor and the Legislative Research Commission not later than July 1, 1977, of its findings and recommendations for adoption of the Model Procurement Code or any part thereof.

**SB 168,** AN ACT relating to local scenic easements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 65.410 is amended to read as follows:

(1) "Local legislative body" means the chief governing body of a city, [or] county *or urban county* which has legislative powers whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, the fiscal court, or otherwise.

(2) "Open space land" means any land in an area which is provided or preserved for park or recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or community development purposes.

(3) "Public body" means any state agency or local legislative body.

*(4) A "scenic easement" is an interest in land transferred by the owner thereof to the public, either in perpetuity or for a term of years. A scenic easement may be created by sale, gift, lease, bequest, or otherwise. An instrument which creates a scenic easement shall contain a covenant whereby the owner of the land promises neither to undertake nor to permit the construction of any improvements upon the land, except as the instrument provides and except for public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the governing body of the city, county, urban county, or the public service commission. Any such reservation shall be consistent with the purposes of this chapter or with the findings of the county, city, or urban county pursuant to Section 4 of this Act and shall not permit any action which will materially impair the open-space character of the land.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

The execution and acceptance of an instrument described in Section 1 of this Act, shall constitute a dedication to the public of the scenic character of the lands for the term specified. Any such easement and covenant shall run for a term of not less than 30 years.

SECTION 3. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

An instrument described in Section 1 of this Act shall contain, a covenant against the cutting of timber, trees and other natural growth, except as may be required for fire prevention, thinning, elimination of diseased growth and similar protective measures, or for the harvest of trees in a manner compatible with scenic purposes.

SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

A scenic easement shall not be accepted by a city, county, or urban county, unless the governing body, by resolution finds:

(1) That the preservation of the character of the land is consistent with the plan of the city, county, or urban county, where such plan exists; and

(2) That the preservation of the character of the land is in the best interest of the state, county, city, or urban county, is important to the public for the enjoyment of scenic beauty, and will serve the public interest in a manner recited in the resolution and consistent with the purposes of this Act.

(3) The local legislative body may consider these factors:

(a) It is likely that at some time the public may acquire the land for a park or other public use;

(b) The land is unimproved and has scenic value to the public as viewed from a public highway or from public or private buildings;

(c) The retention of the land as open space will add to the amenities of living in adjoining or neighboring urbanized areas;

(d) The land lies in an area which in the public interest should remain rural in character and the retention of the land as open space will help preserve the rural character of the area;

(e) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or soil erosion or because of its value as watershed;

(f) The land lies within an established scenic highway corridor;

(g) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end; or

(h) The land has historic significance or contains a building of either historic or architectural importance.

SECTION 5. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

The local legislative body shall not acquire a scenic easement until the matter has been referred to its planning department or planning commission, where such planning body exists, and report thereon has been received from the planning commission. Within 30 days after receiving the proposal to acquire a scenic easement, the planning commission shall submit its report to the governing body. The governing body may extend the time for submitting such a report for an additional period not exceeding 30 days. The report shall contain a statement that the proposal is, or is not, consistent with the comprehensive plan of the jurisdiction where such plan exists. The report shall be considered advisory to the local legislative body and shall not be binding upon it or restrict its actions in the matter.

SECTION 6. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) From and after the time when a scenic easement has been acquired by the local legislative body and its acceptance endorsed thereon, no building permit shall be issued for any structure which would violate the easement and the local legislative body shall seek by appropriate proceedings an injunction against any threatened construction or other development or activity on the land which would violate the easement and shall seek a mandatory injunction requiring the removal of any structure erected in violation of the easement and the restoration of the land to its original character insofar as possible.

(2) In the event the local legislative body fails to seek an injunction against any threatened construction or other development or activity on the land which would violate the easement or to seek a mandatory injunction requiring the removal of any structure erected in violation of the easement or the restoration of the land to its original character insofar as possible, or if the local legislative body should construct any structure or development or conduct or permit any activity in violation of the easement, any resident of the jurisdiction which has acquired the easement may, by appropriate proceedings, seek such an injunction.

SECTION 7. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

Upon acceptance of any instrument creating a scenic easement the clerk of the local legislative body shall record the same in the office of the county court clerk and file copies with the property valuation administrator and the local planning commission if such commission exists. From and after the time of such recordation such contract shall import such notice thereof to all persons as is afforded by the recording laws of this state.

SECTION 8. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

From time to time, the local legislative body may accept an instrument whereby the term of any scenic easement is extended in the same manner as is provided for the acceptance of an instrument originally creating a scenic easement. Upon the acceptance thereof the same shall be recorded in the office of the county court clerk and copies filed with the property valuation administrator and the local planning commission.

SECTION 9. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

If any land or a portion thereof as to which any local legislative body has accepted a scenic easement is thereafter sought to be condemned for public use and the local legislative body received the easement as a gift without the payment of any compensation therefor, the easement shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and the owner shall be entitled to such compensation for the taking as he would have been entitled to had the land not been burdened by the easement.

SECTION 10. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

A scenic easement shall not be transferred by the owners of property in which there are outstanding sub-surface rights without the written consent of the owner of such sub-surface rights.

Section 11. KRS 65.460 is amended to read as follows:

*The power of eminent domain shall not be exercised to acquire title to or any interests or rights in real property under the provisions of KRS 65.410 to 65.460.* [Local legislative bodies may not exercise the power of eminent domain to acquire title to or any interests or rights in real property under the provisions of KRS 65.410 to 65.460.]

**SB 253,** AN ACT relating to police radios.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 432.570 is amended to read as follows:

(1) It shall be unlawful for any person except a peace officer duly authorized to make arrests, and also holding either a first, second or third class radio operators license duly issued by the Federal Communications Commission, or a member of a police department or police force which regularly maintains a police radio system authorized or licensed by the Federal Communications Commission, to have in his or her possession, or in an automobile or other vehicle, or to equip or install in or on any automobile or other vehicle, any mobile radio set or apparatus capable of either receiving or transmitting radio or other messages or signals within the wave length or channel now or which may hereafter be allocated by the Federal Communications Commission, or its successor, for the purpose of police radios, or which may, in any way intercept or interfere with the transmission of radio messages by any police or other peace officers and it shall be unlawful for any car, automobile or other vehicle other than one publicly owned and entitled to and bearing an official license plate issued by the state issuing a license for said car, to have, or be equipped with such sets or apparatus even though said car is owned by an officer. Provided, however, the provisions of this section shall not apply to any automobile or other vehicle owned or operated by any operating public utility company and, in the event a license is required, that same be secured from the Federal Communications Commission or other Federal agency having the authority to license same.

(2) Any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both so fined and imprisoned.

(3) It shall be the duty of any and all peace officers to seize and hold for evidence any and all equipment had or used in violation of the provisions of this section, and, upon conviction of the person having, equipping or using such equipment, it shall be the duty of the Trial Court to order such equipment or apparatus destroyed, forfeited or escheated to the Commonwealth of Kentucky, or to any county, city or town within which such Court sits or holds its sessions and said property may be ordered destroyed, forfeited or escheated as above provided without a conviction of the person charged with violating this section.

*(4) Nothing contained in this Act shall prohibit the possession of a radio by:*

*(a) An individual who is a retailer or wholesaler and in the ordinary course of his business offers such radios for sale or resale or by;*

*(b) An individual who possesses such radio at his place of residence.*

**SR 13,** A JOINT RESOLUTION directing the creation of a commission to study the possible dangers of computer stored information systems to the individual's right to privacy; and to recommend legislation to safeguard the right to privacy.

WHEREAS, the development of sophisticated computer technology has created the potential for storing vast amounts of information on the private lives of Kentucky citizens in computer data banks; and

WHEREAS, it is possible for such stored information to be shared among computer banks which have been established for unrelated purposes; and

WHEREAS, it is possible for incorrect information from unreliable sources or outdated and misleading information to be stored in computer data banks; and

WHEREAS, without guidelines established by law, individuals may be unable to determine or challenge what information concerning them may be stored in various computer banks; and

WHEREAS, without guidelines established by law, adequate security for information stored in computer storage banks may not be provided; and

WHEREAS, without guidelines established by law, both the privacy of individuals and the confidentiality of information may be violated by the injudicious collection, use or release of computer stored personal information; and

WHEREAS, the Kentucky Department for Human Resources is currently developing a computer information storage system capable of maintaining comprehensive statistics on persons receiving social services from public and private agencies throughout the Commonwealth; and

WHEREAS, said capability is being developed in the absence of applicable guidelines provided by law to protect the security and confidentiality of information and the privacy of the individual; and

WHEREAS, it is important for Kentucky citizens to benefit from the computer storage and use of personal information without losing their basic right of privacy through injudicious use of computerized information; and

WHEREAS, it is the privilege and the responsibility of the legislative branch of government to provide by law for the protection of each citizen's basic right to privacy;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A special commission, to be comprised of members of the House of Representatives, the Senate of the Kentucky General Assembly and of private citizens shall be appointed by the Legislative Research Commission by July 1, 1976.

Section 2. Said commission shall conduct a comprehensive study of the potential dangers to the right to privacy which result from the use of computers containing personal information relating to individual citizens.

Section 3. Said commission shall propose legislation for the 1978 Regular Session of the General Assembly designed to safeguard the privacy of all Kentucky citizens from the possible misuse of computer stored personal information.

Section 4. Staff services to be utilized in completing this study are estimated to cost $20,000.00. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Labor and Industry reported **SB 142** and **SB 146,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 142,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created in the state treasury a Coal Miners' Pneumoconiosis Fund, hereinafter referred to as the "Fund" to be administered by the executive department for finance and administration and the department of labor as hereinafter provided. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used only for the payment of workmen's compensation awards made by the Board and authorized by this Act.

(3) Upon certification of the need therefor by the commissioner of the department of labor, the commissioner of the executive department for finance and administration shall cause to be allotted from available appropriations or other moneys received for such purpose to the fund sufficient moneys to pay any valid claims against the fund. The commissioner of the department of labor shall, within forty-five (45) days following the close of each fiscal year and at such other times as requested by the commissioner of the executive department for finance and administration, provide to the commissioner of the executive department for finance and administration a description of all claims affecting the fund, the awards against the fund and such other information as may be requested to administer the fund.

(4) Disbursements from the fund shall be made by the state treasurer upon the warrant of the commissioner of the executive department for finance and administration when liability therefor shall have been established as follows:

(a) If the claimant has been exposed to the hazard of such occupational disease in the employment of only one employer, the award of compensation for disability or death due to such disease shall be paid in the following proportions from the following sources: (1) Fifty percent (50%) by the employer; (2) twenty-five percent (25%) by the Special Fund; and (3) twenty-five percent (25%) by the Coal Miners' Pneumoconiosis Fund created by this Act.

(b) If the claimant has been exposed to the hazard of such occupational disease in the employment of more than one employer, the award of compensation for disability or death due to such disease shall be paid in the following proportions from the following sources: (1) Twenty percent (20%) by the employers; (2) forty percent (40%) by the Special Fund; and (3) forty percent (40%) by the Coal Miners' Pneumoconiosis Fund created by this Act.

(5) In all agreements and awards for the payment of compensation under this Chapter, the proportions thereof payable by each employer, from the Special Fund and the Coal Miners' Pneumoconiosis Fund shall be separately identified and designated; provided, however, that nothing in this section shall prevent the Special Fund from entering agreements to pay the compensation benefits for which it and the Coal Miners' Pneumoconiosis Fund are liable.

(6) An employer must be a party to any agreement providing for the payment of compensation for benefits under this Act.

(7) The Special Fund and the Coal Miners' Pneumoconiosis Fund shall be named as co-defendants in any claim or action for benefits payable as provided by this Act.

(8) Any award against an employer shall be only in the amount for which such employer or its surety is liable and any award against such employer or its surety, the Special Fund and the Coal Miners' Pneumoconiosis Fund shall be paid from the Special Fund and the Special Fund shall be reimbursed proportionately by the employer or its surety and the Coal Miners' Pneumoconiosis Fund for the amounts awarded against each on a quarterly basis pursuant to regulations adopted by the Board relating thereto.

Section 2. KRS 342.316 is amended to read as follows:

(1) (a) The employer liable for compensation for occupational disease shall be the employer in whose employment the employe was last exposed to the hazard of the occupational disease during any period in which this section is applicable to a coal mine, an operator who acquired it or substantially all of its assets from a person who was its operator on and after January 1, 1973 shall be liable for, and secure the payment of, the benefits which would have been payable by the prior operator under this section with respect to miners previously employed in the mine if it had not been acquired by such later operator. At the same time, however, this subsection does not relieve the prior operator of any liability under this section. Also, it does not affect whatever rights the later operator might have against the prior operator. Said employer shall have the right to contribution from each previous employer, as determined in an independent civil action, wherein the employe was similarly exposed to the hazard of said occupational disease, in a sum equal to the ratio that each exposure employment time bears to the total exposure employment time except as otherwise provided in paragraph (a) of subsection (13) of this section.

(b) The time of the beginning of compensation payments shall be the date of the employe's last injurious exposure to the cause of the disease, or the date of actual disability, whichever is later.

(2) (a) The procedure with respect to the giving of notice and determination of claims in occupational disease cases and the compensation and medical benefits payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of this chapter except that notice of claim shall be given to the employer as soon as practicable after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contracted such disease, or a diagnosis of such disease is first communicated to him, whichever shall first occur.

(b) The procedure with respect to filing of claims shall be as follows:

1. The application shall set forth the work history of the applicant with a concise description of injurious exposure to a specific occupational disease together with the names and addresses of employer or employers with the approximate date of employment and shall also include with the application two written medical reports supporting his claim. These medical reports shall be made on the basis of comprehensive clinical examinations and shall contain full and complete statements of the results thereof. The reports shall be made by duly licensed physicians. The clinical examinations shall include x-ray examinations. However, the failure of an x-ray examination to disclose the presence of an occupational disease shall not affect the legal presumption referred to in subsection (5) of this section.

2. The filing of a properly executed application for adjustment of claim, accompanied by the two medical reports described in subparagraph 1. of this paragraph, shall satisfy the requirements of the presumptive clause set out in subsection (5) of this section and the burden of proof shall immediately thereafter shift to the employer and the special fund.

3. Immediately upon receipt of said application for adjustment of claim, the board shall notify the affected employer, the special fund and any other interested party of such claim and shall furnish them with a full and complete copy of the claim.

4. Upon receipt of notice of claim the employer, the special fund, and any other interested party shall have the right to have the claimant examined by competent medical experts, at their expense, including a reasonable sum for travel. After said examination, the claimant or his representative, shall be furnished a copy of said medical report within a reasonable time.

5. Within sixty (60) days of the filing of the claim the employer, the special fund, and any other interested party shall notify the board and the claimant whether or not the claim will be resisted. If the claim

is not resisted, then the board shall within ten (10) days enter an order and award for the claimant. If the claim is resisted, the board shall set a date for a hearing and shall notify all parties thereof. In litigated claims the regular procedures prescribed by the workmen's compensation board shall be followed.

(3) The right to compensation under this chapter for disability resulting from an occupational disease shall be forever barred unless a claim is filed with the workmen's compensation board within three (3) years after the last injurious exposure to the occupational hazard or after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contracted the disease, whichever shall last occur; and if death results from the occupational disease within said period, unless a claim therefor be filed with the workmen's compensation board within three (3) years after such death; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer, or his insurance carrier, voluntarily makes payment therefor, or, if the incurrence of the disease or the death of the employe, and its cause was known to the employer. Provided, however, that the right to compensation for any occupational disease shall be forever barred unless a claim is filed with the workmen's compensation board within five (5) years from the last injurious exposure to the occupational hazard, except that, in cases of radiation disease, a claim must be filed within 20 years from the last injurious exposure to the occupational hazard.

(4) The amount of compensation payable for disability due to occupational disease or for death from such disease, and the time and manner of its payment, shall be the same as provided for accidental injury or death under the general provisions of the workmen's compensation act, but in no event to exceed such amounts as were in effect at the time of the last injurious exposure, and provided further, that the time of the beginning of compensation payments shall be the date of the employe's last injurious exposure to the cause of the disease, or the date of actual disability, whichever is later, and provided further, that in case of death where the employe has been awarded compensation or made timely claim within the period provided for in this section, an employe has suffered continuous disability to the date of his death occurring at any time within 20 years from the date of disability, his dependents, if any, shall be awarded compensation for his death as provided for under the general provisions of the workmen's compensation act and in this section.

(5) Where the occupational disease is a compensable pneumoconiosis and there has been employment exposure for 10 years or more to an industrial hazard sufficient to cause the disability of pneumoconiosis there shall be a rebuttable presumption that the disability or death was due to the compensable pneumoconiosis.

(6) Where the employe is suffering or suffered from a chronic dust disease of the lung which (a) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one (1) centimeter in diameter) and would be classified in category A, B, or C in the international classification of radiographs of the pneumoconioses by the international labor organization, (b) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, or (c) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in paragraph (a) or (b) if diagnosis had been made in the manner prescribed in paragraph (a) or (b), then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, as the case may be.

(7) In case of disability or death from silicosis, coal workers' pneumoconiosis, or any other compensable pneumoconiosis, complicated with tuberculosis of the lungs, pulmonary emphysema or other pulmonary dysfunction and there has been employment exposures to harmful dust or industrial hazards reasonably competent to produce such accompanying disease or dysfunction, there is a rebuttable legal presumption that all resultant disability therefrom is work related and compensable, and compensation shall be payable as for the uncomplicated disease, provided, however, that the disease or dysfunction was an essential factor in causing such disability or death.

(8) If an autopsy has been performed, no testimony relative thereto shall be competent unless the employer or his representative has available findings and reports of the pathologist or doctor who performed the autopsy examination.

(9) No compensation shall be payable for occupational disease if the employe at the time of entering the employment of the employer by whom compensation would otherwise be payable, falsely represented himself, in writing, as not having been previously disabled, laid off, or compensated in damages or otherwise, because of such disease, or failed or omitted truthfully to state to the best of his knowledge, in answer to written inquiry made by the employer, the place, duration and nature of previous employment, or, to the best of his knowledge, the previous state of his health.

(10) No compensation for death from occupational disease shall be payable to any person whose relationship to the deceased, which, under the provisions of this chapter would give right to compensation, arose, subsequent to the beginning of the first compensable disability, save only to after-born children of a marriage existing at the beginning of such disability.

(11) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the general provisions of this chapter and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury, disability or death which was the basis for such application should properly have been made under the provisions of this section, then the application so filed may be

amended in form or substance, or both, to assert a claim for such injury, disability or death under the provisions of this section, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this chapter. When such amendment is submitted, further or additional evidence may be heard by the board when deemed necessary. Nothing this section contains shall be construed to be or permit a waiver of any of the provisions of this chapter with reference to notice of time for filing of a claim, but notice of filing a claim, if given or done, shall be deemed to be a notice of filing of a claim under provisions of this chapter, if given or done within the time required herein.

(12) When an employe has an occupational disease that is covered by this chapter, the employer in whose employment he was last injuriously exposed to the hazard of the disease, and the employer's insurance carrier, if any, at the time of the exposure, shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier; except as otherwise provided herein.

(13) (a) The employer liable for compensation for occupational diseases, other than silicosis or any other compensable pneumoconiosis, which developed to the point of disablement only after an exposure of five (5) or more years, or for *non-coal worker's* silicosis and any other compensable pneumoconiosis, shall be the employer in whose employment the employe was last exposed to the hazard of such occupational disease. In those cases where disability or death are not conclusively proven to be the result of such last exposure all compensation shall be paid out of the special fund for all claims filed prior to January 1, 1973; and 75 percent shall be paid by the Special Fund and 25 percent by the employer for all claims filed thereafter. In all other cases of occupational diseases, other than silicosis or any other compensable pneumoconiosis, which developed to the point of disablement only after an exposure of five (5) or more years, or for *non-coal worker's* silicosis and any other compensable pneumoconiosis, the compensation for disability or death due to such diseases shall be paid jointly by the employer and the special fund, and the employer shall be liable for sixty percent (60%) of the compensation due and the special fund shall be liable for forty percent (40%) of the compensation due. Provided, however, that when there is a joint award against the carrier or self-insured employer and the special fund under this section, all of the compensation awarded shall be paid from the special fund and the special fund shall be reimbursed by the carrier or self-insured employer on a quarterly basis and under such regulations as the Board may provide for such purpose.

(b) In all claims for compensation partially payable by the special fund the commissioner of labor, as custodian of said fund, shall be designated as codefendant.

(c) In all agreements for the payment of compensation and awards the amount payable by the employer and the amount payable out of the special fund shall be separately stated. An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay. A separate award shall be made against the special fund for the balance of the compensation payable. Nothing in this section shall prohibit the commissioner of labor, as custodian of the special fund, from entering into agreements to pay the compensation for which it is liable; provided, however, that where compensation is payable by both the employer and the special fund, the commissioner shall not enter into an agreement unless the employer is a party to the agreement.

**SB 146,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.285 is amended to read as follows:

(1) An award or order of the board as provided in KRS 342.275, if petition for reconsideration is not filed as provided for in KRS 342.281, shall be conclusive and binding as to all questions of fact, but either party may within twenty days after the rendition of such final award or order of the board, by petition appeal to the circuit court that would have jurisdiction to try an action for damages for the injuries if this chapter did not exist, for the review of such order or award, the board and the adverse party being made respondents. The board shall be named respondent as the Workmen's Compensation Board, and service shall be had on the director.

(2) The petition shall state fully the grounds upon which a review is sought, and assign all errors relied on. Summons shall issue upon the petition directing the adverse party to file answer *and cross-appeal, if appropriate,* within *twenty* [fifteen] days after service thereof and directing the board to send its entire original record, properly bound, to the clerk of the circuit court, after certifying that such record is its entire original record, which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review.

(3) No new or additional evidence may be introduced in the circuit court except as to the fraud or misconduct of some person engaged in the administration of this chapter and affecting the order, ruling or

award, but the court shall otherwise hear the cause upon the record as certified by the board and shall dispose of the cause in summary manner. The court shall not substitute its judgment for that of the board as to the weight of evidence on questions of fact, its review being limited to determining whether or not:

(a) The board acted without or in excess of its powers;

(b) The order, decision, or award was procured by fraud;

(c) The order, decision, or award is not in conformity to the provisions of this chapter;

(d) The order, decision, or award is clearly erroneous on the basis of the reliable, probative, and material evidence contained in the whole record; or

(e) The order, decision, or award is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(4) The board and each party may appear in such review proceedings; the court shall enter judgment affirming, modifying or setting aside the order, decision or award, or in its discretion remanding the cause to the board for further proceedings in conformity with the direction of the court. The court may, before judgment and upon a sufficient showing of fact, remand the cause to the board.

(5) The appeal shall be advanced on the circuit court docket without motion or notice.

The Committee Amendment to **SB 146** is as follows:

Amend printed copy of Senate Bill 146 on page 3, after line 11 by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

A Doctor of Chiropractic, licensed to practice under the provisions of KRS Chapter 312, shall have his services to employes covered by the workmen's compensation law paid for under the workmen's compensation provisions of KRS Chapter 342. An employe claiming benefits under the provisions of KRS Chapter 342 shall have the right to choose the services of a licensed Doctor of Chiropractic."

The Committee on Counties and Special Districts reported **SB 288,** with Committee Amendment attached thereto, and **SB 349,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 288,** AN ACT relating to jailers and deputy jailers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 71.060 is amended to read as follows:

(1) *The fiscal court in a county containing a population of less than 10,000 may appoint one (1) deputy jailer. The fiscal court of a county containing a population of 10,000 or more but less than 20,000 shall appoint one (1) deputy jailer and may appoint additional deputies if funds are available. The fiscal court in a county containing a population of 20,000 or more but less than 40,000 shall appoint two (2) deputy jailers and may appoint additional deputies if funds are available. The fiscal court of a county containing a population of 40,000 or more but less than 75,000 shall appoint three (3) deputy jailers, and may appoint additional deputies if funds are available.* [Subject to the provisions of KRS 64.345, any jailer may appoint not more than two (2) deputies, and, with the approval of the county court, may appoint additional deputies.] The jailer shall be liable on his official bond for the conduct of his deputies. The deputies shall have all the powers and be subject to the same penalties as the jailer. They may be removed at any time by the jailer.

*(2) All deputy jailers so appointed by the fiscal court shall assume the position only upon approval of the jailer of the county, and shall be compensated out of the county treasury in an amount no less than that established by the federal minimum hourly wage laws.*

*(3)* [(2)] Subject to the provisions of KRS 441.230, any jailer may appoint a respectable woman to care for and have supervision over the female prisoners in the jail, subject to the orders of the jailer. The woman so appointed shall be called jail matron and shall receive a salary to be paid in the same manner as deputy county jailers.

The Committee Amendment to **SB 288** is as follows:

Amend printed copy of Senate Bill 288 on line 4, page 1, delete "*10,000*" and insert therefor: "*20,000*" on line 5, page 1, after "*jailer.*" starting with the next word "*The*" delete that sentence in its entirety to the middle of line 8 to the word "*available.*";

on line 10, page 1, after the word "*appoint*" delete the word "*two (2)*" and insert therefor the word "*one (1)*";

on line 10, page 1, after the word "*deputy*" remove the word "*jailers*" and insert therefore the word " *jailer* ";

on line 13, page 1, after the word "*appoint*" delete the word "*three*" and insert therefor the word "*two*";

on line 14, page 1, at the beginning of the line, delete the number "*(3)*" and insert therefor the number " *(2)*" in lieu thereof.

**SB 349,** AN ACT relating to sewage systems.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:
Prior to the issuance of any bonds for the financing of central sewage disposal systems, the district shall enter into an appropriate agreement with the existing sewer district to incorporate the existing sewer and drainage system to minimize the cost and duplication of sewer facilities.

The Committee Amendment to **SB 349** is as follows:

Amend printed copy of Senate Bill 349 on page 1, after line 8, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of this section to the contrary, in counties containing a city of the first class, before any construction or extensions which will require an assessment of citizens to finance such construction or extensions shall be started, a referendum shall be placed upon the ballot of the next regular or special election. The question to be submitted to the voters shall be, "Are you in favor of the proposed sewer construction or extensions which will require an assessment of the affected citizens?" When construction or extensions requiring assessment of citizens are constructed in phases, the residents of all or any part of a precinct affected by each phase of such proposed construction shall vote on the question at the election held next before the construction date. When a majority of the votes cast at an election in the area subject to assessment under the proposed construction or extensions is in favor of such construction or extensions, the construction or extensions shall be started and those affected duly assessed. When a majority of the votes cast at an election in the area subject to assessment under the proposal is opposed to the proposed construction or extension, such proposed construction or extensions shall not be started."

The Committee on Public Utilities and Transportation reported **SB 61** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 61,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.005 is amended to read as follows:
(1) It is declared to be the policy of this commonwealth that all commercial vehicles should be regulated, registered and the laws pertaining thereto be administered by the department of transportation. Motor vehicles other than commercial vehicles should be registered, regulated and controlled by the department of transportation and the department of justice.
(2) All motor vehicles registered under the provisions of KRS 186.050(1) shall be on a calendar year basis and evidenced by a license plate whose registration designation is a combination of three letters of the alphabet and three arabic numerical digits. These registration plates shall be issued for use during a multi-year

period and validated for continued use the following year, or years, by affixing an appropriate insignia of plastic or adhesive material bearing the date of the new year.

[(3) License plates issued pursuant to KRS 186.050(1) shall be fully treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate issued to reduce road accidents and improve the visibility and legibility after dark. The requirements of this subsection shall be effective with the 1977 license plate issue.]

*(3)* [(4)] The registration insignia and receipts issued in accordance with the terms of KRS 186.050(1) are on a calendar year basis. The department of transportation may promulgate regulations and prepare the proper insignia and forms, which forms shall include information required by the department of transportation.

The Committee on Business Organizations and Professions reported **HB 787** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Appropriations and Revenue reported **SB 156** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 156,** AN ACT relating to income tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 141.021 is amended to read as follows:

Notwithstanding the provisions of KRS 141.010, federal military retirement annuities shall be excluded from the gross income of persons 50 years of age or older, and federal civil service retirement annuities shall be excluded from the gross income of persons *50* [65] years of age or older, subject to the following limitations:

| If Earned Income From Sources Other | The Maximum Annuity Than Annuities Described Above Is: Exclusion Is: |
|---|---|
| $3,000 or Less | $4,000 |
| 3,001 to 4,000 | 3,000 |
| 4,001 to 5,000 | 2,000 |
| 5,001 to 6,000 | 1,000 |
| Over 6,000 | 0 |

The. Committee on Appropriations and Revenue reported **SB 254,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules

The Committee Substitute for **SB 254** is as follows:

**SB 254,** AN ACT relating to a credit against state income tax for a political contribution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

Every individual whose income tax liability for the taxable year is one dollar ($1) or more may designate that one dollar ($1) of the tax paid shall be paid as provided in Section 3 of this Act to a political party. In the case of a joint return having an income tax liability of two dollars ($2) or more, each spouse shall be deemed to have paid one dollar ($1) and each may designate that one dollar ($1) of the tax paid shall be paid as provided in Section 3 of this Act to a political party. Such designation shall not increase or decrease the income tax liability of any taxpayer nor shall it reduce the overpayment of any taxpayer.

SECTION 2. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:
The term "political party" shall, for the purposes of this Act, mean those parties who met the requirements of KRS 118.015 on January 1 of the taxable year.

SECTION 3. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:
The designation for a political party shall appear on the face of the individual income tax return. The Commissioner of Revenue shall annually certify by December 1 all such designated amounts to be paid by the State Treasurer, and the Treasurer shall annually remit by the following January 1 such funds to the designated official of the appropriate political party.

SECTION 4. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:
The Department of Revenue shall promulgate such rules and regulations as may be necessary to effectively administer the provisions of this Act.

SECTION 5. The provisions of this Act shall apply to taxable years beginning after December 31, 1975.

The Committee on Agriculture and Natural Resources reported **SB 155** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on State Government reported **SB 295** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 295,** AN ACT relating to criminal history records.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 17.110 is amended to read as follows:
(1) All city and county law enforcement agencies shall cause a photograph, a set of fingerprints and a general description report of all persons arrested on a felony charge to be made and two (2) copies of each item forwarded within thirty (30) days after the arrest to the bureau of state police of the department of justice, in accordance with regulations of the department of justice. Such agencies shall furnish any other information *involving offenses under the penal code or* in their possession relative to law enforcement upon request by the department of justice.
(2) Each city and county law enforcement agency shall advise the bureau of state police of the disposition made of all cases wherein a person has been charged with *an offense under the penal code* [a felony].

Section 2. KRS 17.140 is amended to read as follows:
*(1)* A *centralized criminal history record information system* [unit of criminal identification and statistics] shall be established *in the department of justice* under the direction, control and supervision of the commissioner of the bureau of state police.
*(2) A centralized criminal history records system means the system including equipment, facilities, procedures, and agreements for the collection, processing, preservation or dissemination of criminal history records maintained by the department of justice.*

Section 3. KRS 17.143 is amended to read as follows:
The commissioner shall appoint a qualified person to administer *the centralized criminal history record information system* [this unit]. He shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall be furnished with the necessary facilities and equipment and shall appoint clerical and other assistants necessary for the operation of the *centralized criminal history record information system* [unit].

Section 4. KRS 17.147 is amended to read as follows:
The *bureau of state police* [unit commander] shall:
(1) Collect data necessary for the operation of the *centralized criminal history record information system* [unit] from all persons and agencies mentioned in KRS 17.150.
(2) Prepare and distribute to all such persons and agencies, forms to be used in reporting data to the *centralized criminal history record infonnation system* [unit]. The forms shall provide for items of information

needed by federal bureaus or departments engaged in the *administration of criminal justice programs* [development of national criminal statistics].

(3) Prescribe the forms and content of records to be kept by such persons and agencies to insure reporting of data to the *centralized criminal history record information system* [unit].

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the *centralized criminal history record information system* [unit].

(5) Tabulate, analyze and interpret the data collected.

(6) Supply data, at their request, to *participating* federal bureaus, [or] departments, *or criminal justice agencies* engaged in *the administration of criminal justice programs* [collecting national crime statistics].

(7) Annually present to the governor, on or before July 1, concerning the criminal statistics of the preceding calendar year, and present at such other times as the *commissioner* [director] may deem wise, or the governor may request, reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed for general distribution in the interest of public enlightenment.

Section 5. KRS 17.150 is amended to read as follows:

*(1)* Every sheriff, chief of police, coroner, jailer, judge, magistrate, prosecuting attorney, court clerk, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the retarded; state police, state fire marshal, board of alcoholic beverage control; Department for Human Resources; Department of Transportation; Bureau of Corrections; and every other person or *criminal justice* agency, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the Department, shall:

*(a)* [(1)] Install and maintain records needed for reporting data required by the Department.

*(b)* [(2)] Report to the Department as and when the Department requests, all data demanded by it [(]except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity [)].

*(c)* [(3)] Give the Department or its accredited agent access for purpose of inspection.

*(d)* [(4)] Cooperate with the Department to the end that its duties may be properly performed.

*(2) Intelligence and investigative reports maintained by criminal justice agencies are subject to public inspection providing prosecution is completed or a determination not to prosecute has been made. However, portions of such records may be withheld from inspection if such inspection would disclose:*

*(a) The name or identity of any confidential informant or information which may lead to the identity of any confidential informant;*

*(b) Information of a personal nature, the disclosure of which will not tend to advance a wholesome public interest or a legitimate private interest;*

*(c) Information which may endanger the life or physical safety of law inforcement personnel; or*

*(d) Information contained in such records to be used in a prospective law enforcement action.*

*(3) When a demand for the inspection of such records is refused by the custodian of the record, the burden shall be upon the custodian to justify the refusal of inspection with specificity. Exemptions provided by this section shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this Act.*

*(4) Centralized criminal history records are not subject to public inspection. Centralized criminal history records mean information on individuals collected and compiled by the department of justice from criminal justice agencies and maintained in a central location consisting of indentifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom to include sentencing, correctional supervision and release. Such information is restricted to that recorded as the result of the initiation of criminal proceedings or any proceeding related thereto. Nothing in this subsection shall apply to documents maintained by criminal justice agencies which are the source of information collected by the department of justice. Criminal justice agencies shall retain such documents and no official thereof shall willfully conceal or destroy any record with intent to violate the provisions of this Act.*

*(5) The provisions of KRS Chapter 61 dealing with administrative and judicial remedies for inspection of public records and penalties for violations thereof shall be applicable to this Act.*

*(6) The secretary of justice shall adopt such regulations as are necessary to carry out the provisions of the criminal history record information system and to insure the accuracy of such information based upon recommendations submitted by the commissioner, bureau of state police.*

Section 6. KRS 17.153 is amended to read as follows:

(1) The annual report of the *bureau* [unit commander] shall contain statistics showing:

(a) the number and type of offenses known to public authorities;

(b) the personal and social characteristics of criminals and delinquents; and

(c) the administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) The *bureau* [unit commander] shall also interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics published by federal agencies heretofore mentioned.

Section 7. KRS 17.157 is amended to read as follows:

(1) Any public official or employe who knowingly or intentionally makes, or causes to be made, a false return of information to the *bureau* [unit commander] shall be punished by confinement in jail for not more than ninety (90) days, by a fine not exceeding $500, or both.

(2) If any public official or employe required to report to the *bureau* [unit commander] neglects or refuses to comply with the requests of the *bureau* [unit commander], or its rules governing record systems and their maintenance, the *bureau* [unit commander] chief shall give written notice thereof to the person or persons authorized by law to disburse funds of the governmental agency to the public official or employe involved. No funds of the governmental agency shall thereafter be paid to the public official or employe, whether in the form of salary, fees, expenses, compensation, or otherwise, until the *bureau* [unit commander] chief notifies the disbursing authority that performance of the required duty has been completed.

The Committee on Banking and Insurance reported **SB 136, SB 240,** and SB 283 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 136,** AN ACT relating to investments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 287.100 is amended to read as follows:

A bank may:

(1) Hold such personal property as has been transferred to it as collateral for the payment of any debt;

(2) Acquire and hold title to real estate, provided:

(a) Such real estate is necessary or appropriate for the transaction of legitimate business, and

(b) The cost of such real estate, including furniture and fixtures, shall not exceed 40 percent of the total paid-in capital, unimpaired surplus and undivided profits (determined on accrual basis). The commissioner may permit the investment of a larger amount;

(3) Acquire and hold for not longer than ten years, any real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, or that it may purchase under a judgment in its favor;

(4) Invest in the bonds of any Federal Home Loan Bank;

*(5) Invest in obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. 2001 and amendments thereto;*

[(5) Invest in any bonds issued by or for federal land banks and any debentures issued by or for federal intermediate credit banks under the Act of Congress known as the "Federal Farm Loan Act," and amendments thereto, and any debentures issued by or for banks for cooperatives under the Act of Congress known as the "Farm Credit Act of 1933," and any amendments thereto;]

(6) Invest, subject to the approval of the commissioner, in the capital stock or bonds or both of any domestic realty corporation organized or existing for the sole purpose of acquiring and holding title to real property used by the bank, through lease or otherwise, for the transaction of the bank's legitimate business.

(7) Purchase, hold, and convey the shares of any open end registered investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933 and whose investments are limited to:

(a) Bonds or other interest bearing obligations of the United States, or those for the payment of the principal and interest on which the faith and credit of the United States is pledged;

(b) Bonds, or other interest-bearing obligations issued or guaranteed as to the payment of principal and interest by any instrumentality presently or hereafter incorporated by authority of an Act of Congress.

Section 2. KRS 290.220 is amended to read as follows:

In addition to the manner provided in KRS 386.030, the capital, undivided profits, reserve fund and other assets of a credit union, to the extent such resources are not utilized for loans to members as provided in this chapter, may be invested in the following ways:

(1) They may be deposited to the credit of the corporation in state credit unions; state or national banks doing commercial banking; federal credit unions operating in Kentucky; and in savings and loan associations;

(2) Not more than 10 per cent of the capital stock and reserve funds of a credit union may be invested in the stock of other credit unions, including federal credit unions operating in Kentucky;

(3) They may be invested in:

(a) Bonds and other interest-bearing obligations of the federal government;

(b) Bonds, state warrants and other interest—bearing obligations of this state;

*(c) Obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. 2001 and amendments thereto.*

*(d) Bonds and obligations of the Home Owners Loan Corporation;*

[(c) Securities authorized by the federal farm loan act, as amended;

(d) Bonds and obligations of the home owners' loan corporation, federal farm mortgage corporation, or the federal intermediate credit bank;]

(e) Notes and bonds secured by mortgage or trust deed insured by the federal housing administrator, obligations issued or insured by the federal housing administrator, and securities issued by national mortgage associations;

(f) In capital shares, obligations, or preferred stock issues of any agency or association organized either as a stock company, mutual association or membership corporation, provided the membership or stockholdings, as the case may be, of such agency or association are confined or restricted to credit unions or organizations of credit unions, and provided the purpose for which such agency or association is organized or designed to service or otherwise assist credit union operations;

(g) Loans to other credit unions, not to exceed 25 per cent of the capital and surplus of the lending credit union.

Section 3. KRS 386.020 is amended to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the federal government;

(b) Bonds, state warrants and other interest—bearing obligations of this state;

*(c) Obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. 2001 and amendments thereto;*

[(c) Any bonds issued by or for federal land banks and any debentures issued by or for federal intermediate credit banks under the Act of Congress known as the Federal Farm Loan Act, and any amendments thereto, and any debentures issued by or for banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1933, and any amendments thereto;]

(d) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(e) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(f) Loans secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(g) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities (including securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940) which would be regarded by prudent businessmen as a safe investment;

(h) Real estate, after obtaining the approval of the county court for such investment;

(i) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the county court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment; and

(j) Notes, other interest-bearing obligations, and purchases of participations in such instruments, that are guaranteed in whole or in part by the United States of America or by any agency or instrumentality thereof.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

**SB 240,** AN ACT relating to group life insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.16-100 is repealed.

**SB 283,** AN ACT relating to insurance investments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.7-120 is amended to read as follows:

An insurer may acquire, or retain as a permitted investment, capital stock of any insurance company, burial association, corporation engaged in the issuance of burial contracts, or any other corporation, including a corporation which holds capital stock of a subsidiary insurance company, burial association, or corporation engaged in the issuance of burial contracts, whether incorporated under the laws of *any country or any subdivision thereof, provided, however, that the prior approval of the Commissioner shall be obtained before investment is made under this section in any company, association, or corporation not incorporated under the laws of* the United States or Canada, or of any state or province thereof, *provided further that the aggregate total of all investments under this section shall not exceed* [to the extent of] (a) 50 per cent, or (b) such higher percentage as may be approved by the commissioner, of its capital and surplus in excess of the minimum required capital and surplus as provided in KRS 304.3-120, *and* provided that upon consummation of the acquisition, the insurer holds a majority interest in the outstanding voting stocks in such corporation. Such acquisition may be for cash or in exchange for capital stock of the insurer, or partly in cash and partly in exchange for capital stock of the insurer.

Section 2. KRS 304.7-350 is amended to read as follows:

(1) All obligations having a fixed term, rate and face value held by an insurer authorized to do business in this state may, if amply secured and not in default either as to principal or interest, be valued as follows: if acquired at face value, at the face value; if acquired above or below face value, on the basis of the purchase price adjusted annually to bring the value to face value at maturity and so as to yield in each year the effective rate of interest at which the purchase was made. The amortization provided for in this subsection may be calculated with reasonable approximations. The commissioner shall have the power to determine by rule the eligibility of investments for valuation under this subsection.

(2) (a) Securities, other than those referred to in subsection (1) of this section held by an insurer shall be valued, in the discretion of the commissioner, at their fair market value, or at their appraised value, or at prices determined by the commissioner as representing their fair market value.

(b) Preferred or guaranteed stock or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the commissioner and in accordance with such method of computation as he may approve.

(c) Securities qualifying under KRS 304.7-120 and 304.7-270 shall be valued at their fair value or net equity value, except that securities of a subsidiary insurance corporation as provided for in KRS 304.7-120 shall be valued *either* at cost *or on a net equity basis, whichever is greater.*

(3) (a) Real property acquired pursuant to a mortgage loan or contract for sale, in the absence of a recent appraisal deemed by the commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.

(b) Other real property held by an insurer shall not be valued at an amount in excess of fair value as determined by recent appraisal deemed by the commissioner to be reliable. If valuation is based on an appraisal more than three (3) years old, the commissioner may at his discretion call for and require a new appraisal in order to determine fair value.

(c) Personal property acquired pursuant to chattel mortgages or security agreements made in accordance with subsection (8) of KRS 304.7-200 shall not be valued at an amount greater than the unpaid principal of the defaulted loan at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, or the fair value of such property, whichever amount is the lesser.

The Committee on Counties and Special Districts reported **SB 14** and **SB 273,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 14,** AN ACT relating to land use planning.

*Be it enacted by the General Assembly of the commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

There is created a land use coordination council, hereinafter referred to as the "council", consisting of fifteen (15) members appointed by the governor. One member shall be designated by the governor as the chairman. The membership shall represent a balance of those interests which participate in, or are affected by, public land use activities and regulation, including, but not limited to, the following: agricultural, industrial, planning, local government, area development district, legislative, environmental, and minority. Each member shall serve a term of four years and until his successor is appointed and qualified, except that various terms may be designated by the governor for the members first appointed. A member appointed to fill a vacancy shall serve only for the unexpired term of the member he succeeded. A member may be reappointed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

(1) The members of the council shall be compensated at the rate of thirty-five dollars ($35.00) per diem and shall be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(2) The council shall be attached administratively to the office of the secretary of the cabinet with technical and administrative staff services provided directly by the office of state planning.

(3) The council shall hold regular meetings at least one every month, the time and place of which shall be determined by the council. The council shall establish by-laws for the conduct of its meetings and shall keep an accurate record of its proceedings.

SECTION 3. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

(1) The council shall prepare an annual report for the period of each fiscal year, and that report shall be submitted to the governor and the general assembly no later than three and one half (3 1/2) months following the end of the fiscal year.

(2) The council's annual report shall contain the following:

(a) a review of the use of the commonwealth's land, water and air resources;

(b) a review of those governmental policies which directly affect the use and management of those resources;

(c) recommendations for needed legislative and executive action related to the council's findings, and including proposed drafts of recommended legislation.

(3) The first annual report of the council, which shall be submitted by October 15, 1977, shall include a comprehensive review of existing statutes and recommendations for their revision, particularly in the following areas:

(a) the general substance and procedural consistency of local planning guidelines;

(b) the means of coordinating and reviewing state and local land use planning under consistent guidelines;

(c) the integration of environmental, other functional and comprehensive planning processes affecting the use of land in Kentucky;

(d) recommended means for the proper management of those physical developments and natural areas which because of their nature or magnitude, or the nature or magnitude of their effect on the surrounding environment, are likely to present issues of concern to areas beyond those in which they are immediately located.

SECTION 4. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

The council shall be responsible for performing the following functions:

(1) Conduct an ongoing review of state and federal programs and policies which do, or may, impact the use of land in the commonwealth, and recommend necessary and appropriate action to the secretary of the cabinet and the governor on apparent inter-program and intergovernmental conflicts and inconsistencies. In performing this function, the council may review all state and federal budgetary proposals, research proposals, projects, plans, and regulations which significantly impact the use of land throughout the commonwealth. Such review, to the extent practicable, shall utilize existing review procedures.

(2) Recommend to the secretary of the cabinet activities and procedures necessary to assure the adequacy, validity, accessibility, and compatability of data, projections, forecasts, mapping techniques and other inputs employed in the design and implementation of programs which impact the use of land in the commonwealth. The secretary of the cabinet, by rule, may specify particular data, projections, forecasts, mapping techniques, and other inputs that state government agencies shall use in preparing studies, reports, and plans related to the use of land in the commonwealth.

(3) Sponsor a state land use coordination work group consisting of one or more staff personnel designated by the secretaries of each of the state program cabinets, and chaired by the director of the office of state planning or his designee. Under the direction of the council, this group shall assume primary responsibility for technical liaison and coordination between the various state agencies on land use issues and shall carry out other specific technical assignments deemed appropriate by the council.

(4) Develop and implement a land use information program to:

(a) promote technical expertise among members of citizen planning bodies;

(b) increase awareness of land use issues among all citizens of the commonwealth; and

(c) promote and ensure that land use concerns are considered and understood by state government agency personnel whose responsibilities are related to land use.

(5) Encourage the development of notification and hearing procedures that involve the public to the maximum degree possible in the development and implementation of public land use planning and regulatory activities with the commonwealth.

SECTION 5. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

(1) Upon request from the council, any department, bureau, division, board, commission or other agency of the state shall reasonably provide such information and assistance as may be necessary for adequate performance of the council's review and coordination activities.

(2) The council, by specific request of regulation, may require that local political subdivisions of the state submit local land use plans and implementation procedures to the council for review and comment relevant to consistency with statewide policies and procedures drafted by the council.

SECTION 6. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

(1) The council shall be the Kentucky agency to fulfill federal requirements for a council associated with federal programs designed to provide support for state land use planning functions.

(2) The council is hereby authorized to solicit and accept gifts and grants for land use planning purposes, and to set priorities for the expenditure of state and federal monies for land use planning purposes, but all such monies shall be administered by the executive department for finance and administration.

(3) The council may contract for the services of professional persons or organizations, not otherwise available through federal, state, and local governmental agencies, in carrying out its duties under this Act.

(4) The council may contract with any public agency for the performance of services or the exchange of employes or services by one to the other as may be necessary in carrying out this Act.

(5) The council and the commissioner of the executive department for finance and administration are hereby authorized to take all steps necessary and appropriate to qualify the commonwealth for the receipt of federal grants for land use planning purposes.

Section 7. KRS 100.137 is amended to read as follows:

(1) Counties with a population of 300,000 or more inhabitants shall be a planning unit and shall have a planning commission which commission shall be composed of three (3) members, who are nonresident of the largest city of the county, appointed by the county judge of such county, three (3) members who are residents of the largest city of the county appointed by the mayor of that city, and the mayor of the largest city, the county judge, the director of works of the largest city in the county and the county road engineer.

(2) In counties containing a city of the first class, all legislation implementing or amending the plan or amended plan which affects cities of the first through fourth classes shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court.

(3) In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this chapter. *If the commonwealth of Kentucky shall be required by federal law, as a condition to the receipt or the continued receipt of federal funds, to adopt and enact a statewide comprehensive land use plan, all other counties shall establish a planning unit in accordance with this Act and thereupon propose a local comprehensive land use plan consistent with statewide policies or procedures adopted by the land use coordination council established pursuant to KRS Chapter 147.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 147 IS CREATED TO READ AS FOLLOWS:

The commissioner of the executive department for finance and administration shall allocate funds necessary for the purposes of this Act from the state planning fund.

Section 9. There is hereby appropriated from the general fund to the land use coordination council the sum of $50,000 for the fiscal year 1976-77. Any balance remaining shall not lapse, but shall continue into the fiscal year 1977-78.

Section 10. KRS 147.320, 147.330, 147.340, 147.350 and 147.360 are repealed.

**SB 273,** AN ACT relating to county judges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 25.330 is amended to read as follows:

(1) The commissioner of the executive department for finance and administration shall determine the amount that is present in the fund on the last days of the months of September, December, March and June. Payments shall be made quarterly to county judges in an amount determined as provided in this section.

(2) Except as provided in the second sentence of subsection (3) of this section, the maximum expense allowance is *$800* [$600] per quarter year.

(3) If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount less than *$800* [$600] then that lesser amount shall be paid. If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount as much as or more than *$800* [$600], then *$800* [$600] shall be paid, except that if, firstly, the amount is more than *$800* [$600], and, secondly, if the total amount previously paid to each judge during the fiscal year is less than *$800* [$600] times the number of previous payments, then the payment shall be in an amount not larger than is necessary to make the total amount paid during the fiscal year equal to *$800* [$600] times the number of payments.

(4) In no case shall a county judge receive from the fund more than *$3,600* [$2,400] in one (1) fiscal year. County judges shall not be required to keep records verifying the expenditures of amounts received from this fund.

The Committee Amendment to **SB 273** is as follows:

Amend printed copy of Senate Bill 273, page 2, line 7, by deleting "*$3,600*" and inserting in lieu thereof "*$3,200*".

The Committee on State Government reported **SB 179, SB 197,** with Committee Substitute attached thereto, **SB 251, SB 270, SB 271, SJR 41,** and **SJR 43** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 179,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.39-040 is amended to read as follows:

(1) Basic reparation benefits shall be paid without regard to fault.

(2) Basic reparation obligors and the assigned claims plan shall pay basic reparation benefits, under the terms and conditions stated in this subtitle, for loss from injury arising out of maintenance or use of a motor vehicle. This obligation exists without regard to immunity from liability or suit which might otherwise be applicable.

*(3) Notwithstanding any other provisions of this subtitle, no operator or passenger on a motorcycle is entitled to basic reparation benefits from any source for injuries arising out of the maintenance or use of such a motorcycle unless such reparation benefits have been purchased as optional coverage for the motorcycle or by the individual so injured.*

Section 2. KRS 304.39-060 is amended to read as follows:

(1) Any person who registers, operates, maintains or uses a motor vehicle on the public roadways of this Commonwealth shall, as a condition of such registration, operation, maintenance or use of such motor vehicle and use of the public roadways, be deemed to have accepted the provisions of this subtitle, and in particular those provisions which are contained in this section.

(2) (a) Tort liability with respect to accidents occuring in this Commonwealth and arising from the ownership, maintenance, or use of a motor vehicle is "abolished" for damages because of bodily injury, sickness or disease to the extent the basic reparation benefits provided in this subtitle are payable therefor, or that would be payable but for any deductible authorized by this subtitle, under any insurance policy or other method of security complying with the requirements of this subtitle, except to the extent non-economic detriment qualifies under subsection (2)(b) hereof.

(b) In any action of tort brought against the owner, registrant, operator or occupant of a motor vehicle with respect to which security has been provided as required in this subtitle, or against any person or organization legally responsible for his acts or omissions, a plaintiff may recover damages in tort for pain, suffering, mental anguish and inconvenience because of bodily injury, sickness or disease arising out of the ownership, maintenance, operation or use of such motor vehicle only in the event that the benefits which are payable for such injury as "medical expense" or which would be payable but for any exclusion or deductible authorized by this subtitle exceed one-thousand dollars ($1,000), or the injury or disease consists in whole or in part of permanent disfigurement, a fracture to a weight-bearing bone, a compound, comminuted, displaced or compressed fracture, loss of a body member, permanent injury within reasonable medical probability, permanent loss of bodily function or death. Any person who is entitled to receive free medical and surgical benefits shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least one-thousand dollars ($1,000).

(c) Tort liability is not so limited for injury to a person who is not an owner, operator, maintainer or user of a motor vehicle within subsection (1) of this section, *nor for injury to the passenger of a motorcycle arising out of the maintenance or use of such motorcycle.*

(3) For purposes of this section and the provisions on reparation obligor's rights of reimbursement, subrogation, and indemnity, a person does not intentionally cause harm merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of harm.

(4) Any person may refuse to consent to the limitations of his tort rights and liabilities as contained in this section. Such rejection must be in writing in a form to be prescribed by the department of insurance and must have been executed and filed with the department at a time prior to any motor vehicle accident for which such rejection is to apply. Such rejection form together with a reasonable explanation thereof shall be furnished by the reparation obligor with each policy to each prospective insurance applicant. Such rejection form shall affirmatively state in bold print that acceptance of this form of insurance denies the applicant the right to sue a negligent motorist unless certain requirements contained in the policy of insurance are met. Rejection by a person who is under legal disability shall be made on behalf of such person by his legal guardian or his natural parent. The failure of such guardian or a natural parent of a person under legal disability to file a rejection, within six (6) months from the date that this subtitle would otherwise become applicable to such person, shall be deemed to be an affirmative acceptance of all provisions of this subtitle. Provided, however, any person who, at the time of an accident, who does not have basic reparation insurance but has not formally rejected such limitations of his tort rights and liabilities and has at such time in effect security equivalent to that required by KRS 304.39-110 shall be deemed to have fully rejected such limitations within meaning of this section for that accident only.

(5) Any rejection must be filed with the department of insurance and shall be for a period of five (5) years from the date of its execution unless revoked in writing. A copy of such rejection or revocation must be filed with each insurance company providing an automobile policy under which the individual is a named insured as defined in the policy.

(6) Every insurance company when issuing an automobile policy to a resident of this Commonwealth must inform the buyer in writing in a form to be prescribed by the insurance commissioner of his right to reject the limitations of his tort rights and liabilities under this subtitle in the manner provided in subsections (4) and (7) of this section.

(7) Any rejection shall result in the full retention by the individual of his tort rights and his tort liabilities. Any person injured by a motor vehicle operator who has such rejection on file may claim his full damages, including nonpecuniary damages, or, if such injured person has not rejected his own tort limitations, he may also claim basic reparation benefits from the appropriate security on the vehicle as established under KRS 304.39-050. If such provider of security is other than the one providing security for the operator who has rejected the limitations, such provider shall be subrogated to the rights of the injured person to the extent of reparation benefits paid against the owner and operator of the vehicle.

(8) No person who has rejected the tort limitations under this section, except as provided in subsection (9) of this section or KRS 304.39-140(5), may collect basic reparation benefits.

(9) Any owner or operator of a motorcycle, as defined in Kentucky Revised Statutes, may file a rejection as described in subsections (4) and (5), which will apply solely to the ownership and operation of a motorcycle but will not apply to injury resulting from the ownership, operation or use of any other type of motor vehicle.

Section 3. KRS 304.39-100 is amended to read as follows:

(1) An insurance contract which purports to provide coverage for basic reparation benefits or is sold with representation that it provides security covering a motor vehicle has the legal effect of including all coverages required by this subtitle.

(2) An insurer authorized to transact or transacting business in this Commonwealth shall file with the commissioner of insurance as a condition of its continued transaction of business within this Commonwealth a form approved by the commissioner of insurance declaring that in any contract of liability insurance for injury, wherever issued, covering the ownership, maintenance or use of a motor vehicle *other than motorcycles* while the vehicle is in this Commonwealth shall be deemed to provide the basic reparation benefits coverage and minimum security for tort liabilities required by this subtitle, except a contract which provides coverage only for liability in excess of required minimum tort liability coverage. Any non-admitted insurer may file such form.

Section 4. KRS 304.39-110 is amended to read as follows:

(1) The requirement of security for payment of tort liabilities is fulfilled by providing:

(a) Liability coverage of not less than ten-thousand dollars ($10,000) for all damages arising out of bodily injury sustained by any one person as a result of any one accident, and not less than twenty thousand dollars ($20,000) for all damages arising out of bodily injury sustained as a result of any single accident caused by accident arising out of ownership, maintenance, use, loading, or unloading, of the secured vehicle;

(b) Liability coverage of not less than five thousand dollars ($5,000) for all damages arising out of damage to or destruction of property, including the loss of use thereof, as a result of any one accident arising out of ownership, maintenance, use, loading, or unloading, of the secured vehicle; [and]

(c) That the liability coverages apply to accidents during the contract period in a territorial area not less than the United States of America, its territories and possessions, and Canada*; and* [.]

*(d) Basic reparation benefits as defined in KRS 304.39-020(2).*

(2) Subject to the provisions on approval of terms and forms, the requirement of security for payment of tort liabilities may be met by a contract the coverage of which is secondary or excess to other applicable valid and collectible liability insurance. To the extent the secondary or excess coverage applies to liability within the minimum security required by this subtitle it must be subject to conditions consistent with the system of required liability insurance established by this subtitle.

*(3) Security for a motorcycle is fulfilled by providing only the coverages set forth in subsections (1)(a), (b) and (c) of this section.*

Section 5. Whereas, the motorcycle business is seasonal and is at its peak between March and June of each year, and whereas the present automobile reparations act (no-fault) has depressed the sale of motorcycles, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

**SB 197,** AN ACT relating to child abuse.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Department" means the department for human resources.

*(3) "Bureau" means the bureau for social services.*

*(4)* [(3)] "Child" means any person who has not reached his eighteenth birthday.

*(5)* [(4)] *"Dependent Child" means any child who is under improper care, control, or guardianship that is not due to the negligence of the parent or guardian, provided that the child is not an abused or neglected child.* ["Neglected or dependent child" means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others.]

*(6)* [(5)] *"Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or any other person: inflicts or allows to be inflicted upon the child,*

*physical or mental injury by other than accidental means; creates or allows to be created a risk of physical or mental injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse upon the child; wilfully abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being; Provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This exception, however, shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.* ["Abandoned child" means any child who by reason of the desertion of his parents or guardian is in destitute circumstances.]

*(7)* [(6)] "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

*(8)* [(7)] "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

*(9)* [(8)] "Child welfare worker" means an employe of the department designated as such by the secretary for human resources or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

*(10)* [(9)] "Boarding home or foster parent" as used in subsection (4) of KRS 199.600 means persons who board children held in custody by the department.

*(11)* [(10)] "Foster family home" means a private home in which children are placed for foster family care under supervision of the department or of a licensed child-placing agency.

*(12)*](11)] "Group home" means a homelike facility for not more than eight foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

*(13)* [12)] "Institution" means a child-caring facility providing care or maintenance for nine or more children.

Section 2. KRS 199.335 is amended to read as follows:

(1) The purpose of this section, *sections 530.060, 530.070,* subsections [(3),] (4) [,] and (5) of KRS 208.020 and subsections (4) [,] *and* (5) [, and (6)] of KRS 208.990 is to provide *for the identifying of any abused or neglected child; to require reports of any suspected abused or neglected child; to assure that the protective services of the State will be made available to an abused or neglected child in order to protect such a child and his siblings; to further prevent abuse or neglect by any person; to preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care; and to provide for immediate and prompt investigation of such reports.* [for the protection of children who have had physical injury inflicted upon them and who are further threatened by the conduct of those responsible for their care and protection, or who are suffering from severe malnutrition, sexual abuse, or severe neglect and to bring said cases under the purview of the county court sitting in juvenile session. Any person who becomes aware of such cases shall report them to the appropriate authority thereby causing the protective services of the state to be brought to bear in an effort to protect the health and welfare of these children and to prevent further abuses and neglect.]

(2) Any physician, osteopathic physician, nurse, teacher, school *personnel* [administrator], social worker, coroner, medical examiner, *child caring personnel, resident, intern, chiropractor, dentist, optometrist, health professional, peace officer, mental health professional* or other person *who knows or has* [having] reasonable cause to believe that a *child is an abused or neglected child, shall report or cause a report to be made in accordance with the provision of this section.* [child under the age of eighteen has had serious physical injury or injuries inflicted upon him other than by accidental means or whose health appears to be endangered from malnutrition, sexual abuse, or gross neglect which would affect either the physical, mental or emotional well-being of the child, shall report or cause reports to be made in accordance with the provisions of this section, subsections (3), (4), and (5) of KRS 208.020 and subsections (4), (5), and (6) of KRS 208.990;] *When any of the above specified persons is attending a child as part of his professional duties, he shall report or cause a report to be made in accordance with the provisions of this section. Nothing in this section is intended to relieve individuals of their obligation to report.* [provided that when the attendance of such a person with respect to a child is pursuant to the performance of services as a member of the staff of an institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of this section, subsections (3), (4), and (5) of KRS 208.020 and subsections (4), (5), and (6) of KRS 208.990. Death of the child does not relieve responsibility for reporting the circumstances surrounding the death.]

(3) *A* [An oral] report shall be made immediately by telephone or otherwise to [a representative of] the *Bureau or its delegated representative. The report shall be followed by a written report within forty-eight (48) hours if so requested by the Bureau. The Bureau or its delegated representative shall immediately send a*

*copy of all reports of suspected physical or sexual abuse to the appropriate law enforcement agency for any appropriate action.* [Department for Human Resources who shall inform the local law enforcement authority. As soon thereafter as possible a report in writing shall be made to the Department for Human Resources for use in investigation and appropriate action to protect the child involved.] Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's *abuse or neglect* [injuries] (including any evidence of previous *abuse or neglect* [injuries]) *to this child or his siblings; the name and address of the person responsible for the abuse or neglect; and any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.* [, or nature and extent of the child's malnutrition, sexual abuse or severe neglect, and any other information that the person believes might be helpful in establishing the cause of the injuries, malnutrition, sexual abuse, or neglect and the identity of the perpetrator.] *The Bureau may request and shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the Bureau to fulfill its responsibilities under this section.*

(4) The fact that a report as provided in this section has been received is sufficient grounds for issuance of a search warrant, and if pursuant to a search under a warrant a child is discovered and appears to be in imminent danger, the child may be removed *by the local law enforcement officer.* In the event a child who is in a hospital or under the immediate care of a physician appears to be in such certain danger of injury or death if he is returned to the persons having custody of him, the physician or hospital administrator may hold a child in the physician's office or the hospital without court order provided that an attempt is made to obtain such court order at the earliest practicable time not to exceed *seventy-two (72)* [twenty-four (24)] hours. *Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person responsible for such child, if the officer has reasonable cause to believe that there exists an imminent danger to the child's life or health.*

(5) In a proceeding before the juvenile court to have a child removed from *his* [its] home and placed in the custody of the *Bureau* [Department for Human Resources] or the court, substantial evidence that the child *is* [has been] an *abused or neglected child* [physically abused, is suffering from malnutrition, sexual abuse, or gross neglect] shall make a prima facie case for removal of the child even though it is not proved conclusively who has perpetrated the abuse or who has caused the neglect.

(6) Anyone acting upon reasonable cause in the making of a report pursuant to this section, *sections 530.060, 530.070,* subsections [(3),] (4) [,] and (5) of KRS 208.020 and subsections (4), (5) [,] and (6) of KRS 208.990 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report.

(7) *Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client privilege,* [Neither the physician-patient privilege nor the husband-wife privilege] shall be a ground for excluding evidence regarding *an abused or neglected child* [a child's injuries, malnutrition, sexual abuse or neglect] or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section [, subsections (3), (4), and (5) of KRS 208.020 and subsections (4), (5), and (6) of KRS 208.990].

*(8) Anyone knowingly and willfully violating the provisions of subsection (2) of this section shall be guilty of a Class B misdemeanor as designated in KRS 532.090.*

*(9) Upon receipt of a report of an abused or neglected child pursuant to this section, the Bureau as the designated agency or its delegated representative shall initiate a prompt investigation, take necessary action and shall offer protective services toward safeguarding the welfare of the child, preventing further abuse or neglect of the child or any other child under the same care, preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.*

*(10) All information obtained by the Bureau staff or its delegated representative, as a result of investigation made pursuant to this section shall not be divulged to anyone except: (1) persons suspected of neglect or abuse, provided that in such cases names of informants may be withheld, unless ordered by the court; (2) persons within the Bureau with a legitimate interest or responsibility related to the case; (3) other medical, psychological, or social service agencies, or law enforcement agencies that have a legitimate interest in the case; (4) cases where a court orders release of such information.*

Section 3. KRS 199.990 is amended to read as follows:

(1) Any person who violates subsection (1) of KRS 199.350 shall be imprisoned in the county jail not less than ten (10) nor more than sixty (60) days, or fined not less than twenty-five ($25.00) nor more than two hundred dollars ($200), or both.

(2) Any person who upon thirty (30) days' notice fails to remove a child from the state when required to do so under a bond as provided in paragraphs (c) or (d) of subsection (2) of KRS 199.350 shall forfeit one thousand dollars ($1,000), to be recovered upon the bond by a suit in the name of the county in which the bond is filed.

(3) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars ($500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.

(4) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570 and 199.590, or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than $500 nor more than $2,000 or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.

(5) Any person who wilfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than $20.00 nor more than $200 or imprisoned for not more than thirty (30) days, or both.

(6) Any person who violates any of the provisions of KRS 199.896 shall be fined not less than twenty dollars ($20.00) nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

(7) Anyone knowingly and wilfully violating the provisions of subsection (2) of KRS 199.335 shall be *guilty of a Class B misdemeanor as designated in KRS 532.090* [punished by a fine of not less than $10.00 nor more than $100].

*(8) Any person who willfully permits, assists, or encourages the unauthorized release of any information made pursuant to KRS 199.335, or otherwise violates the provisions of subsection (10) of KRS 199.335 shall be guilty of a Class B misdemeanor as designated in KRS 532.090.*

The Committee Substitute for **SB 197** is as follows:

**SB 197,** AN ACT relating to child abuse.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 208.010 is amended to read as follows:

As used in KRS 208.010 to 208.540 and 208.990, unless the context otherwise requires:

(1) "Department" means the department for human resources;

(2) "Child" means any person who has not reached his twenty-first birthday;

(3) "Court" means the juvenile session of the county court;

(4) "Child welfare worker" means any employe of the department for human resources designated as such by the secretary of the department for human resources or a social worker employed by a county or city who has been approved by the department for human resources to handle, under its supervision, services to children;

(5) "Neglected or dependent child" has the same meaning as in subsection (4) of KRS 199.011;

(6) "Abandoned child" has the same meaning as in subsection (5) of KRS 199.011;

(7) "Needy child" means one who is in want and deprived of any of the following: the necessities for living; the education required by law; or the supervisory, medical or other care necessary for his well-being*;* [.]

*(8) "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime;*

*(9) "Status action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be termed criminal or delinquent, and such children shall not be considered delinquents;*

*(10) "Dependency action" is any action brought on behalf of a neglected, dependent, abandoned, or needy child;*

*(11) "Violation" means any offense, other than a traffic infraction, for which a sentence to a fine only can be imposed;*

*(12) "Secure detention facility" is a physically secure setting which is entirely separated from sight and sound from all other portions of the jail containing adult prisoners;*

*(13) "Emergency shelter" is a group home, private residence, or similar home-like facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child.*

Section 2. KRS 208.020 is amended to read as follows:

(1) The juvenile session of the county court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county who has not reached his eighteenth birthday:

(a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Who does not subject himself to the reasonable control of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or

(c) Who is an habitual truant from home or from school; or

(d) Who is found by the court to be dependent, neglected, needy or abandoned.

(2) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(3) The court of each county shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070.

(4) The court shall have exclusive jurisdiction of persons who and no person shall wilfully and unnecessarily expose to the inclemency of the weather, or in any other manner wilfully injure in health or limb any child actually or apparently under the age of sixteen (16) years.

(5) The court shall have exclusive jurisdiction of persons who and no person shall for gain or reward employ or cause to be employed, or exhibit, use, or have in his custody for the purpose of exhibiting, or employing, any child actually or apparently under the age of sixteen (16) years, nor shall any person having the care, custody, or control of such child, in any way procure, or consent for gain or reward, to the employment or exhibition of such child, either:

(a) In begging or receiving alms, or in any mendicant occupation;

(b) If the child is a female, in peddling or in any wandering occupation;

(c) In any indecent or immoral occupation or practice;

(d) In the exhibition of any such child when insane, or idiotic; or

(e) In any practice or exhibition of unusual danger to life, limb, health or morals of the child.

(6) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The juvenile court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for its custody, pending the outcome of proceedings in circuit court to determine its permanent custody. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court, awarding custody of such child, all prior orders of the juvenile court in conflict therewith shall be deemed canceled.

*(7) Actions brought under KRS 208.020(1)(a) shall be considered to be delinquency actions.*

*(8) Actions brought under KRS 208.020 (1)(b) and (c) shall be considered to be status actions.*

*(9) Actions brought under KRS 208.020(1)(d) shall be considered to be dependency actions.*

Section 3. KRS 208.060 is amended to read as follows:

(1) All cases involving children brought before the court shall be granted a speedy hearing and shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings may be conducted in an informal manner. The general public shall be excluded and only the immediate families *or guardians* of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation worker with direct interest in the case, those persons enumerated under KRS 208.040, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his attorney may be admitted to the hearing. Witnesses shall be admitted to the hearing only for the duration of their testimony.

(2) Juvenile proceedings shall consist of two distinct hearings, an adjudication and a disposition, which may, upon motion of the child, be held on separate days.

(a) The adjudication shall determine the truth or falsity of the allegations in the petition and shall be made on the basis of an admission or confession of the child to the court or by the taking of evidence.

(b) Upon motion by any child brought before the court on a petition under KRS 208.020 (1) (a), (b), or (c), the Rules of Criminal Procedure shall apply to all matters involved in the adjudication of the case. All adjudications shall be supported by evidence beyond a reasonable doubt.

(c) After adjudication, *a determination by the court that detention pending disposition is necessary shall be based on a finding of the court by a preponderance of the evidence that the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community* [the court shall determine whether the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community and warrant his detention pending the disposition].

(d) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child. Unless the provisions of subsections (3) and (4) are observed by the court, the disposition shall be limited to an informal adjustment of the matter between the parties and the court. The provisions of subsections (3) and (4) shall be conditions precedent to any commitment, court-ordered probation, restitution, or other disposition enforceable by the authority of the court. No public or private agency or body, or party before the court, shall [be required to] participate in any order of the court unless it receives from the court a verified statement, signed by the juvenile judge, that the rights enumerated in subsections (3) and (4) were granted to the child during the proceedings in juvenile court.

(3) Before commencing a hearing and proceeding to determine the truth or falsity of the allegations in a petition filed with the court under KRS 208.020 (1) (a), (b), or (c), the court shall decide, on the basis of a preliminary inquiry made by the court, whether or not the best interest of the child indicates that the petition should be dismissed and the child's case adjusted informally among the parties. An informal adjustment may be made at any time during the proceedings. All petitions brought under KRS 208.020 (1) (a), (b), or (c) shall receive this consideration by the court. No petition shall be brought against the child as a result of information given to the court by the child as part of an informal adjustment. If the court finds it necessary to extend the discussion, during an informal adjustment, beyond the immediate subject matter of the complaint before it, the child and his parents, relative, guardian, or custodian shall be advised of all the rights under this subsection. If the court determines that a formal proceeding is required to determine the truth or falsity of the allegations against the child, a petition, sworn to by the complainant, shall be required pursuant to KRS 208.070 (1) and (2), and the court shall, when the child is brought before the court:

(a) Explain to the child and his parents, relative, guardian, or custodian their respective rights to counsel and, if the child and his parents, relative, guardian, or custodian are unable to obtain counsel, shall appoint counsel for the child and may appoint counsel for the parents, relative, guardian, or custodian;

(b) Explain the privilege against self-incrimination by saying that the child, parents, relative, guardian, or custodian may remain silent concerning the charges against the child, and that anything said may be used against the child and result in his commitment to *the department or* an institution for juvenile delinquents;

(c) Explain the right to confront anyone who has accused the child and to cross-examine that person on the allegations made against the child;

(d) Advise the child and his parents, relative, guardian, or custodian of the right to appeal from a determination of the court;

(e) Advise the child that these rights belong to him and may not be waived by his parents, relative, guardian, or custodian.

(4) At the disposition of a child adjudicated on a petition brought pursuant to KRS 208.020 (1) (a), (b), or (c), all information helpful in making a proper disposition, including oral and written reports, may be received by the court *in compliance with KRS 208.060(2)(d)* and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and controvert the reports and cross-examine the individuals making the reports.

(5) In the case of any child brought before the court on a petition under KRS 208.020 (1) (d), the rules of evidence and procedure described in subsection (3) of this section shall apply.

Section 4. KRS 208.110 is amended to read as follows:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in KRS 208.010 to 208.540. The law relating to bail shall not be applicable to children detained in accordance with KRS 208.010 to 208.540.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing an offense, under the provisions of KRS 208.020 (1) (a), (b), or (c) the officer shall immediately notify the parent,

or if the parent is not available, then a relative, guardian, or custodian of the child, that the child has been detained, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for the detention, and state the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a petition, warrant, or both may be issued for the apprehension of the person or of the child, or both.

[(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention. When a child is detained in any way or for any reason, there shall be a hearing held within forty-eight hours, exclusive of Sunday, of the commencement of detention to determine whether or not there is reasonable cause to believe that an offense has been committed and that the detained child committed the offense. The Commonwealth shall bear the burden of proof, and if it shall fail to establish such reasonable cause, the child shall be released and the complaint dismissed. If such reasonable cause is established, the court shall then determine whether or not the circumstances surrounding the child are such as to endanger its safety or welfare or that of the community. The Commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence. Upon such showing of proof and order of the court, the child shall be detained until such time as the court may withdraw the order for detention or make a speedy disposition in the child's best interest. Unless such a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible person pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.]

[(5) Whether the child is released before or after a hearing, or is detained as the result of such a hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least forty-eight hours prior to the initial hearing on the case.]

Section 5. KRS 208.130 is amended to read as follows:

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the *custody and care* [detention] of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department, and shall conform to rules and regulations prescribed by the department.

(5) Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

(6) The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile courts jurisdiction over the department's regional reception-diagnostic centers.

Section 6. KRS 208.170 is amended to read as follows:

(1) If, *prior to an adjudicatory hearing* [during the course of any proceeding] in the juvenile court, it appears to the court that there is reasonable cause to believe that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen (16) years of age or older, or was less than sixteen (16) years of age but the offense was a class A felony or a capital offense, and the court is of

the opinion that the [best interests of the child and of the public require that the] child be tried and disposed of under the regular law governing crimes, the court *shall conduct a separate hearing to determine if the case should be transferred* [in its discretion may make an order transferring the case] to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

*(2) The hearing held to consider the transfer of a juvenile to the circuit court shall determine if there is probable cause to believe that an offense was committed and that the child committed the offense.*

*(3) If the court determines that probable cause exists, it shall then determine if it is in the best interest of the child and the community to order such a transfer based upon the seriousness of the alleged offense; whether the offense was against person or property, with greater weight being give to offenses against persons; the maturity of the child as determined by his environment; the child's prior record; and the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities currently available to the juvenile justice system.*

*(4) If, following completion of the transfer hearing, the court is of the opinion that the best interest of the child and of the public would be protected by such transfer, the order of transfer shall state the reason for such transfer.*

*(5)* [(2)] When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, *it shall be instructed that* it may either return an indictment or may return a written report to the circuit court recommending that the child be *transferred to the juvenile court* [committed to the department]. If the court believes that such *transfer* [commitment] would be proper, it may order the child *transferred* [committed] to the *juvenile court* [department].

(b) *If an indictment is returned, the court may in its discretion order the case transferred to the juvenile court.* [If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.]

(c) If *an indictment is returned and the court does not transfer the case to juvenile court* [neither of the procedures specified in paragraphs (a) and (b) of this subsection are employed], the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

[(e) Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one (21).]

Section 7. KRS 208.180 is amended to read as follows:

(1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection *(5)* [(2)] of KRS 208.170 is convicted of a felony, and sentenced to imprisonment, he shall be committed to the *custody of the bureau of corrections* [penitentiary], except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches twenty-one (21) years of age, the commitment to the department shall be for an indeterminate period not to exceed the age of twenty-one (21). If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one (21), the commitment shall be to the department until the age of twenty-one (21), and thereafter to the *custody of the bureau of corrections* [penitentiary]. In the latter case, if the child is out on parole at the time he becomes twenty-one (21), he may be transferred to supervision of adult parole officers. However, if the parole is revoked he shall be returned to the *custody of the bureau of corrections* [penitentiary] and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection *(5)* [(2)] of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one (21) years.

Section 8. KRS 208.200 is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of subsections (1) or (2) of KRS 208.020, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation or supervision shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation and supervision methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation or supervision shall remain subject to the jurisdiction of the juvenile court until he becomes twenty-one (21) years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency other than the department authorized to care for such children, or under the guardianship of a suitable person. Such commitment shall be until the age of twenty-one (21) subject to the power of the court to discharge the child prior thereto, or of the governing authorities of said agency or institution to do so upon notice to the court. In committing a child to a private institution or agency the court shall select one that is approved by the department for human resources and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(c) Commit the child to the department. Such commitment shall be for an indeterminate period not to exceed the age of twenty-one (21).

(2) If, in its decree, the juvenile court finds that the child comes within the purview of subsection (1) or (2) of KRS 208.020, the court may dispose of the child as provided in subsection (1) of this section, except that if a child comes within the purview of paragraph (d) of subsection (1) of KRS 208.020, the court may not commit the child to the department unless the department has indicated to the court that it has facilities and funds available to care for the child and is willing to accept the commitment.

(3) In the event a child who has not reached his eighteenth birthday commits a new offense while a ward of the department, the court shall have exclusive, original jurisdiction of the new offense, and may modify all previous orders, including that committing the child to the department. Nothing in this section shall limit the jurisdiction of any other court in assuming jurisdiction of wards of the department between the ages of eighteen (18) and twenty-one (21) years who have committed another public offense after attaining the age of eighteen (18).

(4) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of, in accordance with this chapter, except that after a child has been disposed of as provided in paragraph (a) or (b) of subsection (1) of this section he may not then be transferred to the circuit court as provided for in KRS 208.170.

*(5) If a child sixteen (16) years of age or older has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, the court in its discretion may order as follows:*

*(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred and twenty (120) hours for a child adjudicated delinquent in the commission of a class A misdemeanor, not to exceed eighty (80) hours for a child adjudicated delinquent in the commission of a class B misdemeanor, and not to exceed forty (40) hours for a child adjudicated delinquent in the commission of an offense classified as a violation under the penal code. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution authorized by KRS 208.240.*

*(b) The court may impose a fine for a misdemeanor or violation offense. The imposition of a fine for a misdemeanor or violation offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine.*

*(c) Fines shall be levied consistent with the schedule set forth below:*

*For a class A misdemeanor, not to exceed $150;*

*For a class B misdemeanor, not to exceed $75; and*

*For a violation, not to exceed $50.*

*When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately.*

*(6) When a child has been ordered to comply with the provisions in subsection (5) above and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require the child to show cause why he should not be held in detention for noncompliance with the court order. The court may issue an order of custody or a summons for his appearance.*

*(7) Following issuance of a show cause order pursuant to subsection (6) above, unless the child can show that noncompliance was not the result of an intentional refusal to comply with the court order or not the result of a failure to make a good faith effort to comply with the court order, the court may order the child detained as follows:*

*(a) For a period not to exceed five (5) days if the order is imposed for the commission of a Class A misdemeanor;*

*(b) For a period not to exceed three (3) days if the order is imposed for the commission of a Class B misdemeanor;*

*(c) For a period not to exceed two (2) days if the order is imposed for the commission of a violation.*

*Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational obligations of the child, and shall be in an approved detention facility as provided in KRS 208.130.*

*(8) When in the judgment of the court a disposition stated above in subsection (5) is inadequate to aid in the rehabilitation of a misdemeanor offender, the court in its discretion may order a child sixteen (16) years of age or older who has been adjudicated delinquent in the commission of an offense classifed as a misdemeanor to detention in an approved detention facility as provided in KRS 208.130 based upon the schedule set forth below:*

*Class A misdemeanor, 1 to 30 days*

*Class B misdemeanor, 1 to 15 days;*

*Provided, that the court shall advise the child prior to entering its order under this subsection that the child upon demand may receive a trial by jury in the quarterly court, which trial and any appeal therefrom shall be conducted in accordance with the Rules of Criminal Procedure.*

*The detention of a juvenile misdemeanor offender shall not be scheduled to interfere with the educational obligations of the child. Detention may be scheduled during periods such as weekends, after school, or overnight. Any portion of a day spent in detention shall be deemed as one day for the purposes of serving a detention term.*

*(9)* [(5)] No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 9. KRS 208.230 is amended to read as follows:

In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to *have engaged in an unlawful transaction with a minor or endangered the welfare of a minor or in any way* [be] encouraging, causing or contributing to the acts or conditions which bring the child within the purview of KRS 208.020 to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. *The court may, in its discretion, order the appearance of the parents, relative, guardian, custodian, or other person having custody of the child at any court hearing involving the child.* In case of failure to comply with *any orders entered pursuant to the provisions of this section* [such requirement], the court may proceed against such persons for contempt of court.

Section 10. KRS 208.270 is amended to read as follows:

Whenever any court commits a child to the department or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the department, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the department, institution or agency in behalf of the child. *Such certified order shall be sufficient authority for any law enforcement officer to detain any person named therein and deliver him to such a place as shall be directed by the department, institution or agency given custody of him in the order.*

Section 11. KRS 208.290 is amended to read as follows:

On or before March 1 of each year, each county clerk shall submit to the department a written report showing the number and disposition of *all* children [who have committed public offenses] that have been brought before the juvenile court during the preceding calendar year, together with such information as the department shall prescribe.

Section 12. KRS 208.420 is amended to read as follows:

(1) The department may establish and operate regional reception-diagnostic centers for the observation, study and classification of children committed to it. Such children *may* [shall] upon their commitment be placed in a reception center for a period of observation and study. The reception centers shall be furnished with adequate psychiatric, psychological and social services. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the department shall make a recommendation as to the character of treatment or disposition which should initially be provided for the child.

(2) The regional reception-diagnostic centers established by the department may also be utilized as detention and evaluation facilities for children whose cases are pending final disposition of the juvenile court. This use of the facilities shall be made pursuant to agreement between the department and the individual fiscal courts.

Section 13. KRS 208.460 is amended to read as follows:

If it appears that a child committed to the department is mentally ill or defective, the department may use state mental hospital facilities or other resources for observation of mental conditions. *This period of observation shall not exceed thirty (30) days. After thirty (30) days, the child shall be removed or a mental inquest proceeding through circuit court shall be obtained pursuant to the appropriate provisions of KRS Chapter 202.* If it appears from such observations that the child requires treatment or hospitalization for mental illness or defect, the department shall cause proceedings to be instituted pursuant to the appropriate provisions of KRS chapter 202.

Section 14. KRS 208.510 is amended to read as follows:

Any child committed to the department who is placed on *supervised placement from a residential treatment facility* [parole] by the department and who violates the terms or conditions of *supervised placement* [parole] may be apprehended and returned to active custody of the department by any probation officer of the department or by any peace officer on direction of the department, *provided that an administrative hearing has been held by persons designated by the department to hear such matters at which time the child and parents shall be given an opportunity to be heard and be represented by counsel.*

Section 15. KRS 208.540 is amended to read as follows:

Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the department shall be allowed *an amount prescribed by regulation adopted by the executive department for finance and administration* [ten cents (10¢) per mile,] calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the department, for payment out of funds appropriated for the purpose.

SECTION 16. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If child is not released as provided in subsection (3) of KRS 208.110, the child shall be taken without delay to the court or to the detention facility provided for under KRS 208.130. The officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention.

(2) When a child is detained for the alleged commission of an offense as provided in KRS 208.020(1)(a), (b), and (c) and not released, a hearing shall be held as soon as practical, but not to exceed seventy-two (72) hours, exclusive of Sunday, and legal holidays, of the commencement of detention.

(3) The child shall be afforded all constitutionally guaranteed rights at every stage of the proceedings including, but not limited to notice of the charges, the privilege against self-incrimination, the right to confront and cross-examine witnesses and the right to counsel.

(4) The hearing shall address the following issues:

(a) If there is probable cause to believe that an offense has been committed and that the accused child committed that offense. The commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence, and if it should fail to establish such probable cause, the child shall be released and the complaint dismissed;

(b) Whether further detention is necessary to assure the safety of the child, protection of the community, and the appearance of the child in court;

(c) In determining detention for offenses provided in KRS 208.020, the court shall consider the seriousness of the alleged offense; the possibility that the child would commit and offense dangerous to himself or the community pending disposition of the original offense; the child's prior record, if any; and whether there are charges pending against the child in another jurisdiction;

(d) In determining detention for offenses provided in KRS 208.020(1)(b) and (c), the court shall consider the availability of a parent, guardian or responsible adult, court-appointed supervisory or probation personnel, or foster care or emergency shelter care facilities that would insure the control and safety of the child; and the availability of adequate and secure detention facilities which would provide segregated detention for the child. Secure detention for status offenders is to be used in only those cases when the court is of the opinion that other alternatives are either not available or cannot provide the degree of control and safety necessary to assure the safety and security of the child.

(5) If, after completion of the detention hearing the court is of the opinion that detention is necessary, the order shall state in writing the specific reasons for detention and the nature of the detention.

(6) Unless a hearing is held and the necessity for detention properly established, the child shall be released to the custody of its parent or other responsible persons pending further disposition of the case. A child shall have a right to counsel at any hearing determining its right to freedom pending the disposition of its case, and its parents or other responsible person shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.

(7) Whether the child is released before or after a hearing, or is detained as a result of such hearing, the child and his parents, relative, guardian, or custodian shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least seventy-two (72) hours prior to the initial hearing on the case.

SECTION 17. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a class A felony, class B felony, or capital offense or found guilty of a class A felony, class B felony, or capital offense, the sentencing court in its discretion may commit the child to the department for purposes of institutionalization for an indeterminate period of time of not less than six (6) months.

(2) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a felony offense or found guilty of a felony offense and has previously been adjudicated delinquent of a felony offense or found guilty of a felony offense in two or more separate adjudications, the sentencing court in its discretion may commit the child to the department for purposes of institutionalization for an indeterminate period of time of not less than six (6) months.

(3) The department shall maintain jurisdiction over the child during the the period of the commitment.

(4) The department shall notify the committing court prior to the termination of institutionalization as to the future intentions of the department as they relate to continued treatment of the child.

(5) The committing court may, with the consent of the department and upon motion of the child, grant shock probation to any child committed under this section after the child has been committed for a minimum of thirty(30) days.

SECTION 18. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) All records and physical evidence so obtained shall be surrendered to the court upon elimination of a child as a suspect in the case.

(3) Any person who violates the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 19. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The juvenile court shall notify the law enforcement agency of the child's county of residence and the law enforcement agencies where any offense was committed of the disposition of each case and of each child committed by the court who is placed in a residential treatment facility by the department.

(2) The department shall notify the juvenile court of the county of placement with the conditions of supervised placement of each child placed in that county from one of the residential treatment facilities operated by the department. Notice of the conditions of such placement may be made available by the court to any law enforcement agency.

Section 20. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Department" means the department for human resources.

*(3) "Bureau" means the bureau for social services.*

*(4)* [(3)] "Child" means any person who has not reached his eighteenth birthday.

*(5)* [(4)] *"Dependent Child" means any child who is under improper care, control, or guardianship that is not due to the negligence of the parent or guardian, provided that the child is not an abused or neglected child.* ["Neglected or dependent child" means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others.]

*(6)* [(5)] *"Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or any other person: inflicts or allows to be inflicted upon the child,*

*physical or mental injury by other than accidental means; creates or allows to be created a risk of physical or mental injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse upon the child; wilfully abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being; Provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This exception, however, shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.* ["Abandoned child" means any child who by reason of the desertion of his parents or guardian is in destitute circumstances.]

*(7)* [(6)] "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

*(8)* [(7)] "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

*(9)* [(8)] "Child welfare worker" means an employe of the department designated as such by the secretary for human resources or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

*(10)* [(9)] "Boarding home or foster parent" as used in subsection (4) of KRS 199.600 means persons who board children held in custody by the department.

*(11)* [(10)] "Foster family home" means a private home in which children are placed for foster family care under supervision of the department or of a licensed child-placing agency.

*(12)*](11)] "Group home" means a homelike facility for not more than eight foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

*(13)* [12)] "Institution" means a child-caring facility providing care or maintenance for nine or more children.

Section 21. KRS 199.335 is amended to read as follows:

(1) The purpose of this section, *sections 530.060, 530.070,* subsections [(3),] (4) [,] and (5) of KRS 208.020 and subsections (4) [,] *and* (5) [, and (6)] of KRS 208.990 is to provide *for the identifying of any abused or neglected child; to require reports of any suspected abused or neglected child; to assure that the protective services of the State will be made available to an abused or neglected child in order to protect such a child and his siblings; to further prevent abuse or neglect by any person; to preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care; and to provide for immediate and prompt investigation of such reports.* [for the protection of children who have had physical injury inflicted upon them and who are further threatened by the conduct of those responsible for their care and protection, or who are suffering from severe malnutrition, sexual abuse, or severe neglect and to bring said cases under the purview of the county court sitting in juvenile session. Any person who becomes aware of such cases shall report them to the appropriate authority thereby causing the protective services of the state to be brought to bear in an effort to protect the health and welfare of these children and to prevent further abuses and neglect.]

(2) Any physician, osteopathic physician, nurse, teacher, school *personnel* [administrator], social worker, coroner, medical examiner, *child caring personnel, resident, intern, chiropractor, dentist, optometrist, health professional, peace officer, mental health professional* or other person *who knows or has* [having] reasonable cause to believe that a *child is an abused or neglected child, shall report or cause a report to be made in accordance with the provision of this section.* [child under the age of eighteen has had serious physical injury or injuries inflicted upon him other than by accidental means or whose health appears to be endangered from malnutrition, sexual abuse, or gross neglect which would affect either the physical, mental or emotional well-being of the child, shall report or cause reports to be made in accordance with the provisions of this section, subsections (3), (4), and (5) of KRS 208.020 and subsections (4), (5), and (6) of KRS 208.990;] *When any of the above specified persons is attending a child as part of his professional duties, he shall report or cause a report to be made in accordance with the provisions of this section. Nothing in this section is intended to relieve individuals of their obligation to report.* [provided that when the attendance of such a person with respect to a child is pursuant to the performance of services as a member of the staff of an institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of this section, subsections (3), (4), and (5) of KRS 208.020 and subsections (4), (5), and (6) of KRS 208.990. Death of the child does not relieve responsibility for reporting the circumstances surrounding the death.]

(3) *A* [An oral] report shall be made immediately by telephone or otherwise to [a representative of] the *Bureau or its delegated representative. The report shall be followed by a written report within forty-eight (48) hours if so requested by the Bureau. The Bureau or its delegated representative shall immediately send a*

*copy of all reports of suspected physical or sexual abuse to the appropriate law enforcement agency for any appropriate action.* [Department for Human Resources who shall inform the local law enforcement authority. As soon thereafter as possible a report in writing shall be made to the Department for Human Resources for use in investigation and appropriate action to protect the child involved.] Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's *abuse or neglect* [injuries] (including any evidence of previous *abuse or neglect* [injuries]) *to this child or his siblings; the name and address of the person responsible for the abuse or neglect; and any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.* [, or nature and extent of the child's malnutrition, sexual abuse or severe neglect, and any other information that the person believes might be helpful in establishing the cause of the injuries, malnutrition, sexual abuse, or neglect and the identity of the perpetrator.] *The Bureau may request and shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the Bureau to fulfill its responsibilities under this section.*

(4) The fact that a report as provided in this section has been received is sufficient grounds for issuance of a search warrant, and if pursuant to a search under a warrant a child is discovered and appears to be in imminent danger, the child may be removed *by the local law enforcement officer.* In the event a child who is in a hospital or under the immediate care of a physician appears to be in such certain danger of injury or death if he is returned to the persons having custody of him, the physician or hospital administrator may hold a child in the physician's office or the hospital without court order provided that an attempt is made to obtain such court order at the earliest practicable time not to exceed *seventy-two (72)* [twenty-four (24)] hours. *Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person responsible for such child, if the officer has reasonable cause to believe that there exists an imminent danger to the child's life or health.*

(5) In a proceeding before the juvenile court to have a child removed from *his* [its] home and placed in the custody of the *Bureau* [Department for Human Resources] or the court, substantial evidence that the child *is* [has been] an *abused or neglected child* [physically abused, is suffering from malnutrition, sexual abuse, or gross neglect] shall make a prima facie case for removal of the child even though it is not proved conclusively who has perpetrated the abuse or who has caused the neglect.

(6) Anyone acting upon reasonable cause in the making of a report pursuant to this section, *sections 530.060, 530.070,* subsections [(3),] (4) [,] and (5) of KRS 208.020 and subsections (4), (5) [,] and (6) of KRS 208.990 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report.

(7) *Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client privilege,* [Neither the physician-patient privilege nor the husband-wife privilege] shall be a ground for excluding evidence regarding *an abused or neglected child* [a child's injuries, malnutrition, sexual abuse or neglect] or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section [, subsections (3), (4), and (5) of KRS 208.020 and subsections (4), (5), and (6) of KRS 208.990].

*(8) Anyone knowingly and willfully violating the provisions of subsection (2) of this section shall be guilty of a Class B misdemeanor as designated in KRS 532.090.*

*(9) Upon receipt of a report of an abused or neglected child pursuant to this section, the Bureau as the designated agency or its delegated representative shall initiate a prompt investigation, take necessary action and shall offer protective services toward safeguarding the welfare of the child, preventing further abuse or neglect of the child or any other child under the same care, preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.*

*(10) All information obtained by the Bureau staff or its delegated representative, as a result of investigation made pursuant to this section shall not be divulged to anyone except: (1) persons suspected of neglect or abuse, provided that in such cases names of informants may be withheld, unless ordered by the court; (2) persons within the Bureau with a legitimate interest or responsibility related to the case; (3) other medical, psychological, or social service agencies, or law enforcement agencies that have a legitimate interest in the case; (4) cases where a court orders release of such information.*

Section 22. KRS 199.990 is amended to read as follows:

(1) Any person who violates subsection (1) of KRS 199.350 shall be imprisoned in the county jail not less than ten (10) nor more than sixty (60) days, or fined not less than twenty-five ($25.00) nor more than two hundred dollars ($200), or both.

(2) Any person who upon thirty (30) days' notice fails to remove a child from the state when required to do so under a bond as provided in paragraphs (c) or (d) of subsection (2) of KRS 199.350 shall forfeit one thousand dollars ($1,000), to be recovered upon the bond by a suit in the name of the county in which the bond is filed.

(3) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars ($500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.

(4) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570 and 199.590, or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than $500 nor more than $2,000 or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.

(5) Any person who wilfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than $20.00 nor more than $200 or imprisoned for not more than thirty (30) days, or both.

(6) Any person who violates any of the provisions of KRS 199.896 shall be fined not less than twenty dollars ($20.00) nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

(7) Anyone knowingly and wilfully violating the provisions of subsection (2) of KRS 199.335 shall be *guilty of a Class B misdemeanor as designated in KRS 532.090* [punished by a fine of not less than $10.00 nor more than $100].

*(8) Any person who willfully permits, assists, or encourages the unauthorized release of any information made pursuant to KRS 199.335, or otherwise violates the provisions of subsection (10) of KRS 199.335 shall be guilty of a Class B misdemeanor as designated in KRS 532.090.*

**SB 251,** AN ACT relating to jury duty leave for teachers and state employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 161.153 is amended to read as follows:

*(1)* Any teacher or state employe who serves on a jury in any duly constituted local, state or federal court shall be granted leave with full compensation, less any compensation received as jury pay, for the period of his actual jury service, *or as provided in subsection (2) of this section,* which leave shall be in addition to all other leave to which the teacher or state employe may be entitled.

*(2) Any teacher or state employe shall be entitled to leave of absence from duties, without loss of pay or time for that amount of time necessary to comply with subpoenas by any court, federal, state, or political subdivision thereof, to serve as a juror or witness.*

**SB 270,** AN ACT relating to criminal offenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 532.080 is amended to read as follows:

(1) When a defendant is found to be a persistent felony offender, the jury, in lieu of the sentence of imprisonment assessed under KRS 532.060 for the crime of which such person presently stands convicted, shall fix a sentence of imprisonment as authorized by subsection (4) of this section. When a defendant is charged with being a persistent felony offender, the determination of whether or not he is such an offender and the punishment to be imposed pursuant to subsection (4) of this section shall be determined in a separate proceeding from that proceeding which resulted in his last conviction. Such proceeding shall be conducted before the court sitting with the jury that found the defendant guilty of his most recent offense unless the court for good cause discharges that jury and impanels a new jury for that purpose.

(2) A persistent felony offender *in the second degree* is a person who is more than twenty-one years of age and who stands convicted of a felony after having [previously] been convicted of *one (1) previous felony* [two (2) or more felonies]. As used in this provision, a previous felony conviction is a conviction of a felony in this state or conviction of a crime in any other jurisdiction provided:

(a) That a sentence to a term of imprisonment of one year or more or a sentence to death was imposed therefor; and

(b) That the offender was over the age of eighteen years at the time the offense was committed. [; and]

*(c) That the offender was discharged from probation or parole within five years of the date of commission of the felony for which he was last convicted.*

[(c) That the defendant was imprisoned under sentence for such conviction prior to commission of the present felony.]

*(3) A persistent felony offender in the first degree is a person who is more than twenty-one years of age and who stands convicted of a felony after having been convicted of two or more felonies. As used in this provision, a previous felony conviction is a conviction of a felony in this state or conviction of a crime in any other jurisdiction provided:*

*(a) That a sentence to a term of imprisonment of one year or more or a sentence to death was imposed therefor; and*

*(b) That the offender was over the age of eighteen years at the time the offense was committed and was discharged from probation or parole within five years of the date of commission of the felony for which he was last convicted.*

*(4)* [(3)] For the purpose of determining whether a person has two or more previous felony convictions, two or more convictions of crime for which that person served concurrent or uninterrupted consecutive terms of imprisonment shall be deemed to be only one conviction, unless one of the convictions was for an offense committed while that person was imprisoned.

*(5) A person who is found to be a persistent felony offender in the second degree shall be sentenced to an indeterminate term of imprisonment pursuant to the sentencing provisions of KRS 532.060(2) for the next highest degree than the offense for which convicted. A person who is found to be a persistent felony offender in the second degree shall not be eligible for probation, shock probation or conditional release.*

*(6)* [(4)] A person who is found to be a persistent felony offender *in the first degree* shall be sentenced to imprisonment as follows:

[(a) If the offense for which he presently stands convicted is a Class A felony, a persistent felony offender shall be sentenced to an indeterminate term of imprisonment with life imprisonment as the maximum; or]

*(a)* [(b)] If the offense for which he presently stands convicted is a Class *A or Class* B felony, a persistent felony offender *in the first degree* shall be sentenced to an indeterminate term of imprisonment, the maximum of which shall not be less than twenty years nor more than life imprisonment; or

*(b)* [(c)] If the offense *for* [of] which he presently stands convicted is a Class C or Class D felony, a persistent felony offender *in the first degree* shall be sentenced to an indeterminate term of imprisonment, the maximum of which shall not be less than ten years nor more than twenty years.

*(7) A person who is found to be a persistent felony offender in the first degree shall not be eligible for probation, shock probation, or conditional discharge, nor for parole until having served a minimum term of incarceration of not less than ten years.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

(1) When a person has been convited of an offense or has entered a plea of guilty to an offense classified as a Class A, B, or C felony and the commission of such offense involved the use of a weapon from which a shot or projectile may be discharged that is readily capable of producing death or other serious physical injury, such person shall not be eligible for probation, shock probation or conditional discharge.

(2) When a person has been convicted of a felony and is committed to a correctional facility maintained by the bureau of corrections and released on parole or has been released by the court on probation, shock probation, or conditional discharge, and is convicted or enters a plea of guilty to a felony committed while on parole, probation, shock probation, or conditional discharge, such person shall not be eligible for probation, shock probation, or conditional discharge and the period of confinement for that felony shall not run concurrently with any other sentence.

(3) When a person commits an offense while awaiting trial for another offense, and is subsequently convicted or enters a plea of guilty to the offense committed while awaiting trial, the sentence imposed for the offense committed while awaiting trial shall not run concurrently with confinement for the offense for which said person is awaiting trial.

**SB 271,** AN ACT relating to the Kentucky Penal Code.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 507.020 is amended to read as follows:

(1) A person is guilty of murder when:

(a) With intent to cause the death of another person, he causes the death of such person or of a third person; except that in any prosecution a person shall not be guilty under this subsection if he acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. However, nothing contained in this section shall constitute a defense to a prosecution for or preclude a conviction of manslaughter in the first degree or any other crime; or

(b) Under circumstances manifesting extreme indifference to human life, he wantonly engages in conduct which creates a grave risk of death to another person and thereby causes the death of another person.

(2) Murder is a Class A felony, except that in the following situations it is a capital offense:

(a) The defendant's act of killing was intentional and was for profit or hire;

(b) The defendant's act of killing was intentional, and occurred during the commission of arson in the first degree, robbery in the first degree, burglary in the first degree, [or] rape in the first degree, [;] *or sodomy in the first degree;*

(c) The defendant's act of killing was intentional and the defendant was a prisoner and the victim was a prison employe engaged at the time of the act in the performance of his duties;

(d) The defendant's act of killing was intentional and the death was caused through use of a destructive device, as defined in KRS 237.030(1);

(e) The defendant's act or acts of killing were intentional and resulted in multiple deaths; or

(f) The defendant's act of killing was intentional and the victim was a police officer, sheriff or deputy sheriff engaged at the time of the act in the lawful performance of his duties*;* [.] *or*

*(g) The defendant's act of killing was intentional and the defendant and the victim were both prisoners.*

Section 2. KRS 509.080 is amended to read as follows:

(1) A person is guilty of criminal coercion when with intent to compel another person to engage in or refrain from conduct, he unlawfully threatens to:

(a) Commit any crime; or

(b) Accuse anyone of a crime; or

(c) Expose any secret tending to subject any person to hatred, contempt or ridicule or to impair another's credit or business repute; or

(d) Take or withhold action as an official or cause an official to take or withhold action.

(2) A defendant may prove in exculpation of criminal coercion committed under subsection (1)(b), (c) or (d) that he believed the accusation or secret to be true or the proposed official action justified and that his sole purpose was to compel or induce the victim to desist from misbehavior or to make good a wrong done by him.

*(3) Criminal coercion is a Class A misdemeanor.*

Section 3. KRS 512.020 is amended to read as follows:

(1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he has such right, he intentionally *or wantonly* defaces, destroys or damages any property causing pecuniary loss of $1,000 or more.

(2) Criminal mischief in the first degree is a Class D felony.

Section 4. KRS 512.040 is amended to read as follows:

(1) A person is guilty of criminal mischief in the third degree when:

(a) Having no right to do so or any reasonable ground to believe that he has such right, he intentionally *or wantonly* defaces, destroys or damages any property; or

(b) He tampers with property so as knowingly to endanger the person or property of another.

(2) Criminal mischief in the third degree is a Class B misdemeanor.

Section 5. KRS 532.050 is amended to read as follows:

(1) No court shall impose sentence for conviction of a felony, other than a capital offense, without first ordering a presentence investigation *after conviction* and giving due consideration to a written report of such investigation.

(2) The report shall be prepared and presented by a probation officer and shall include an analysis of the defendant's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, personal habits, and any other matters that the court directs to be included.

(3) Before imposing sentence for a felony conviction, the court may order the defendant to submit to psychiatric observation and examination for a period not exceeding sixty days. The defendant may be remanded for this purpose to any available clinic or mental hospital or the court may appoint a qualified psychiatrist to make the examination.

(4) Before imposing sentence, the court shall advise the defendant or his counsel of the factual contents and conclusions of any presentence investigation or psychiatric examinations and afford a fair opportunity and a reasonable period of time, if the defendant so requests, to controvert them. The sources of confidential information need not, however, be disclosed.

SECTION 6. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:
KRS Chapters 532, 533 and 534 apply to all classes of crimes committed outside the provisions of the Penal Code.

Section 7. KRS 436.480 is amended to read as follows:
KRS Chapter 528 shall not apply to *pari-mutuel wagering authorized under the provisions of KRS Chapter 230.* [enclosures during regular race meetings or enclosures in which horse racing is being conducted under license from the State Racing Commission, or to enclosures during regular race meetings in which trotting and pacing horses are being conducted by associations regularly organized for that purpose.]

Section 8. KRS 504.010 is hereby repealed.

**SR 41,** A JOINT RESOLUTION directing the Legislative Research Commission to study alternatives to present sewage disposal systems.
WHEREAS, the expenditure of several hundred million dollars in funds for the Louisville and Jefferson County sewer project is presently under consideration; and
WHEREAS, the present usage of flush toilets requires the waste of large quantities of purified drinking water and enormous expenditures for sewer lines and treatment plants; and
WHEREAS, the present sewers of Louisville have polluted the Ohio River to the extent that it is now considered a health hazard by the United States environmental protection agency; and
WHEREAS, there are several types of sewerless toilets and sewage disposal systems on the market or under development;
NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission be and hereby is directed to study, through its appropriate joint interim committees and with the cooperation of all public officers and employes, alternative methods of sewage disposal.

Section 2. That the Legislative Research Commission shall report the findings and recommendations of said study of alternative methods of sewage disposal to the 1978 General Assembly.

Section 3. That the fiscal court of Jefferson County be and hereby is petitioned to plan and finance the development of sewer systems in such a manner that alternative methods of sewage disposal may be incorporated in the future.

Section 4. Staff services to be utilized in completing this study are estimated to cost $5,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

**SR 43,** A JOINT RESOLUTION directing the Legislative Research Commission in cooperation with the State Department of Education and the Consumers' Advisory Council to conduct a study to determine the effectiveness of consumer education programs in Kentucky.
WHEREAS, consumer education is becoming increasingly important to the education of students in Kentucky due to the complex choices being faced by consumers in today's marketplace; and
WHEREAS, the 1974 Session of the Kentucky General Assembly enacted into law the Consumer Education Act (KRS 158.450—158.470); and
WHEREAS, the State Consumers' Advisory Council has indicated their displeasure with the implementation of the 1974 Consumer Education Act by the Department of Education and has recommended to the General Assembly that all students be required to complete a one-half credit course in consumer education prior to graduating from a public school in Kentucky;and
WHEREAS, the Department of Education has opposed the requirement of one-half credit course before graduating; and
WHEREAS, it is the sense of this General Assembly that consumer education shall be provided each student in the Commonwealth of Kentucky;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission, in cooperation with the State Department of Education and the Consumers' Advisory Council, is directed to conduct a comprehensive study of consumer education in the state. The study shall include, but may not be limited to, the following components:

(1) The need for consumer education, including an evaluation of the competence of the public in dealing with consumer affairs;

(2) The objectives which should be pursued in consumer education;

(3) The experience of other states in the area of consumer education and the effectiveness of such programs;

(4) An evaluation of the 1974 Consumer Education Act including an analysis of the method and manner of its implementation by the State Department of Education and an evaluation of its effectiveness;

(5) Recommendations of any changes needed, including legislative changes if indicated by the study, to assure that the needs for consumer education in the Commonwealth are satisfied.

Section 2. The study report, along with any recommendations it may contain, shall be submitted to the Joint Interim Committee on Education not later than July 1, 1977.

Section 3. Staff services to be utilized in completing this study are estimated to cost $15,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Rules reported **HB 793, HB 773, HCR 74, SB 195, HCR 105, SB 148, SB 176, SB 188, SB 193, SB 261, SB 266, SB 267, SB 268, SB 269, SB 274, SB 275, SB 290, SB 294, SB 298, SB 309, SB 347, SB 352, SB 358, SB 364, SB 369, SB 184, HB 787, SB 174, SB 155,** and **SB 186,** have been posted for passage in Orders of the Day.

The Committee on Rules reported the following Bills and Resolutions have been recommitted:

Appropriations and Revenue: **HB 620, HB 792.**

State Government: **HB 723, HCR 68, SB 95, HB 507, HB 689.**

Counties and Special Districts: **HB 621.**

Labor and Industry: **HB 682, HB 727.**

Highways and Traffic Safety: **HB 728.**

Health and Welfare: **HB 730.**

Elections and Constitutional Amendments: **HB 837.**

Business Organizations and Professions: **HB 848.**

Judiciary-Statutes: **HR 98.**

## Motions, Petitions, and Communications (continued)

Representative J. Richards moved that the rules be suspended for the purpose of members announcing vote changes. Agreed.

**HB 796:** Representative Deskins, YEA.

**HB 745:** Representative Deskins, YEA.

**SB 242:** Representative Deskins, YEA.

**SB 211:** Representative White, NAY.

**SB 169:** Representative King, YEA.

**SB 171:** Representative King, YEA.

**SB 203:** Representative King, YEA.

**SB 214:** Representative King, YEA.

Representative J. Richards requested that he be recorded as voting YEA on **SB 167, SB 261, SB 171,** and **SB 203.**

Representative Wible requested that he be recorded as voting YEA on the following: **SB 169, SB 171, SB 203, SB 256, SB 357, SB 363, SCR 1, SCR 49, HB 757, HB 796, SB 75, HB 817,** and **HB 825.**

Representative Wible requested that he be recorded as voting NAY on **SB 32** and **HB 745.**

Representative Givhan requested that he be recorded as voting YEA on the following: **HB 362, HB 285, HB 496, HB 438, HB 346,** and **HB 432.**

## Adjournment

Representative Kenton moved that the House adjourn until 10:00 A.M., Wednesday, March 17, 1976. Agreed.

## WEDNESDAY, MARCH 17, 1976

## FIFTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Roy H. Jones, Smithfield Baptist Church, Smithfield, Kentucky.

The roll was called. All present except Representative R. Turner.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 16, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Resolutions

**HR 124,** by Representative Clarke: A RESOLUTION directing a study of the public kindergarten program in Kentucky.

### Calendar

SB 327, **SB 103, SB 354, SB 30** with Committee Amendment attached thereto, **SB 230, SB 56** with Committee Amendment attached thereto, **SR 22, SB 241, HR 83, HJR 93, SB 168, SB 253, SJR 13, SB 142, SB 146** with Committee Amendment attached thereto, **SB 288** with Committee Amendment attached thereto, **SB 349** with Committee Amendment attached thereto, **SB 61, SB 156, SB 295, SB 136, SB 240, SB 283, SB 14, SB 273** with Committee Amendment attached thereto, **SB 179, SB 197** with Committee Substitute attached thereto, **SB 251, SB 270, SB 271, SJR 41, SR 43** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

### Senate Message

Announcing passage of **HB 451** with Amendment, **HB 333, HB 652, HB 559,** HB 573, **HB 193,** and **HB 732.**

### Orders of the Day

**SB 147** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved the adoption of the following Floor Amendment No. 1 to **SB 147:**

Amend printed copy of Senate Bill 147 page 2, line 19, add Sections 2, 3, 4 and 5 as follows:

SECTION 2. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 17 IS CREATED TO READ AS FOLLOWS:

Any policy or contract of health insurance issued in this state which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall be deemed to provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

SECTION 3. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18 IS CREATED TO READ AS FOLLOWS:

Any group insurance or blanket health insurance policy or contract issued in this state which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall be deemed to provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

SECTION 4. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 32 IS CREATED TO READ AS FOLLOWS:

Any policy, contract or plan issued in this state by a nonprofit hospital, medical-surgical, dental and health service corporation which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall be deemed to provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

SECTION 5. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 38 IS CREATED TO READ AS FOLLOWS:

Any certificate, agreement or contract issued in this state by a health maintenance organization which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed dentist, shall be deemed to provide benefits for such services whether performed by a duly licensed physician or a duly licensed dentist.

Agreed.

Representative Clapp moved that **SB 147,** as amended, be passed.

On the roll call the vote was yeas 46-J. Allen, Bennett, Blair, Blandford, Blume, Blythe, Brown, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Givhan, Holbrook, Hughes, Isler, Jones, Kenton, Kidd, Kleier, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Pearl, P. Richardson, Sale, Vincent, Wells, Wible, Wooden, Wright. Nays 25-B. Adams, Beshear, Boatwright, Bruce, Burnette, Clarke, DeFalaise, Denham, Floyd, Foster, Gray, Hardwick, Hopkins, King, LeMaster, Lindsay, Morris, Nett, O'Brien, Overstreet, Rattliff, Richards, B. Richardson, Robinson, Tobin.

**SB 147,** as amended, was passed.

Representative Clapp moved the adoption of the following Title Amendment to **SB 147:**

Amend printed copy of Senate Bill 147 page 1, title, by striking out, in its entirety, the enacting clause and inserting in lieu thereof "AN ACT relating to insurance."

Agreed.

Representative B. Richardson moved that the vote by which **SB 147,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SJR 11** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76-B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siler, Stephens, Tobin, Thomas, Wible, Wooden, Wright. Nays 2-Hopkins, Overstreet.

**SJR 11** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SJR 11** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 191** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59-J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Carpenter, Clarke, Craddock, Crupper, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kidd, King, LeMaster, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Thomas, Wible, Wooden, Wright. Nays 17-B. Adams, A. S. Adams, Blair, Boatwright, Burnette, Cooper, Cyrus, DeFalaise, Denham, Fitzgerald, Gray, Lindsay, Nett, Overstreet, Robinson, Siler, Tobin.

**SB 191** was passed and the title agreed to.

Representative B. Richardson moved that they vote by which **SB 191** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 51** be recommitted to the Committee on Cities. Agreed.

Representative B. Richardson moved that consideration of **SB 170** be deferred and that it retain it position in Orders of the Day. Agreed.

**SB 185** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **SB 185** be passed.

On the roll call the vote was yeas 73-B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Boatwright, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, P. Richardson, Robinson, Sale, Schmidt, Siler, Tobin, Thomas, Wible, Wooden, Wright, Yates. Nays 3-Blythe, Hughes, Morris.

**SB 185** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 185** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 213** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76-B. Adams, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Wells, Wible, Wooden, Wright. Nays 2-J. Allen, Imes.

**SB 213** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 213** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 262** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 63-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hughes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, Wells, Wooden, Wright. Nays 12-Boatwright, Brown, Carpenter, Crupper, DeMarcus, Hopkins, Imes, Jones, Mason, Morris, Overstreet, Wible.

**SB 262** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 262** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 850** be recommitted to the Committee on State Government. Agreed.

**SB 25** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearl moved the adoption of the following Floor Amendment No. 1 to **SB 25:**

Amend printed copy of Senate Bill 25 page 3, after line 25, by inserting the following:

"(4) The petition and a summons shall be personally served upon the person alleged to be liable for the rent or, if such person cannot be found after a diligent search, service shall be by sending the petition and a summons by certified mail, return receipt requested, to the last known address of such person. If personal service is not made, the person who attempted service shall verify by affidavit filed with the court that a diligent search was made and shall describe in the affidavit his efforts to serve the summons.

(5) Service of the petition and summons shall be not less than ten days prior to any hearing on the petition.

(6) The summons shall notify the person alleged to be liable for rent of the time, place and date of the hearing on the petition and that unless he appears at the hearing or otherwise defends the action that his personal property may be seized.

(7) The court shall conduct a hearing at which each party shall be provided the opportunity to present witnesses on his behalf and to cross-examine adverse witnesses. The parties shall have the right to compel the attendance of witnesses by subpoena. The court shall make its determination upon the evidence adduced at the hearing.";

and on page 3, line 26, by deleting "(4)" and inserting in lieu thereof "(8)".

Rejected.

Representative Pearl moved that **SB 25** be passed.

On the roll call the vote was yeas 37-B. Adams, Beshear, Bevins, Blandford, Blume, Burnette, Carpenter, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Kenton, King, Kleier, LeMaster, Mann, Mason, McBee, McBride, Pearl, Priddy, B. Richardson, Sale, Schmidt, Siemens, Tobin, Thomas, Wible. Nays 31-A. S. Adams, J. Allen, Bendl, Blair, Blythe, Boatwright, Bruce, Crupper, Dawahare, Denham, Deskins, Doss, Floyd, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Lindsay, Little, McGill, Morris, Muncy, Richards, Robinson, Siler, Stephens, Wells, Wright.

**SB 25** was defeated.

**SB 157** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 157** be passed.

Representative Little moved the adoption of the following Floor Amendment No. 1 by roll call vote. Agreed.

Amend printed copy of Senate Bill 157 page 1, line 15, by adding after "*legal duties*" the following:

"*except when such suit shall have been in the area of placement of personnel, when the finding of fact in court cases reveals that the actions of the board were capricious, malicious, and politically motivated and such action shall be grounds for removal from office*".

On the roll call the vote was yeas 36-J. Allen, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Clarke, Cyrus, Dawahare, Deskins, Donnermeyer, Doss, Fitzgerald, Gray, Guenthner, Hopkins, Kenton, LeMaster, Little, Mann, Mason, McBee, McBride, Muncy, Nett, O'Brien, Priddy, Robinson, Romines, Siemens, Siler, Thomas, Wright, Yates. Nays 40-B. Adams, A. S. Adams, Arnold, Bevins, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clapp, Craddock, Crupper, DeFalaise, Denham, Dunn, Foster, Hancock, Holbrook, Holloway, Imes, Isler, Jones, Kidd, King, May, McGill, Morris, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Stephens, Tobin, Vincent, Wells, Wible, Wooden.

The Floor Amendment No. 1 to **SB 157** was rejected.

Representative Deskins moved the adoption of the following Floor Amendment No. 2 by roll call vote. Agreed.

Amend printed copy of Senate Bill 157 on page 1, after line 19 by inserting the following:

"Section 2. A new section of KRS Chapter 160 is created to read as follows:

(1) The superintendent of all county school districts shall be elected by the legal voters of the district at the first regular November election in which local government or state officials are elected and after the expiration of the contract held by the superintendent as of June 1976.

(2) The person elected to the office of county school superintendent shall take office on the first Monday in January following his election and shall hold office for a term of four years and until his successor is elected and qualified.

(3) No person shall be eligible as a candidate for the elective office of county school superintendent under this Act, who does not at the time he files his papers with the county clerk hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the office to which he aspires. The elected county school superintendent shall hold such a certificate throughout his term of office.

(4) When a vacancy occurs in the office of county school superintendent, the board of education in the county school district shall appoint a person who meets the qualifications of subsection (3) of this section to the office for the unexpired part of the term only.

Section 3. A new section of KRS Chapter 160 is created to read as follows:

(1) All elections for county school superintendent shall be by voting machine. The ballot label shall be in the form prescribed by the general election law, except that no party emblem or other distinguishing mark which indicates the political affiliation of any candidate shall be placed upon the ballot label; provided, however, that "school ballot" shall be at the head of the ballot label.

(2) The county clerk shall cause to be printed on the ballot label the names of all eligible candidates who have filed a petition as provided in KRS 118.315. The order in which the names of the candidates are to be printed on the ballot label shall be determined by lot.

Section 4. A new section of KRS Chapter 160 is created to read as follows:

The expense of the election of the office of county school superintendent shall be paid by the fiscal court.

Section 5. A new section of KRS Chapter 160 is created to read as follows:

No election officer or other person within a polling place shall tell or indicate to a voter the political affiliation of any candidate for the office of county school superintendent.

Section 6. A new section of KRS Chapter 160 is created to read as follows:

The county board of education shall fix the salary of the county school superintendent prior to his election at a rate of not less than $12,000 per annum to be paid in equal monthly installments.

Section 7. A new section of KRS Chapter 160 is created to read as follows:

Any superintendent of schools in a county district may be removed for cause by a vote of the majority of the members of the board of education of the district. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent at least fifteen days before action is taken on the removal.

Section 8. KRS 118.305 is amended to read as follows:

(1) Except as provided in KRS 118.345, and subject to the provisions of subsections (2) and (3) of this section, the county clerk of each county shall cause to be printed for the voting machines and on the special ballots for the regular election the names of the following persons:

(a) Candidates of a political party, as defined in KRS 118.015, who have received certificates of nomination at the preceding primary election, or certificates of nomination under KRS 118.185, and whose certificates of nomination have been filed with the secretary of state or the appropriate county clerk.

(b) Candidates of a political party, as defined in KRS 118.015, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in KRS 118.115, and whose evidences of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(c) Candidates of a political party, as defined in KRS 118.015, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary election, as provided in KRS 118.105, and whose certificates of nomination have been filed with the secretary of state or the appropriate county clerk, in sufficient time before the regular election to enable their names to be printed for the voting machines and on the special ballots at the time they are required to be printed.

(d) Candidates who have been nominated by a political organization as provided in KRS 118.325 and whose certificates or petitions of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(e) Candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(f) Candidates for president and vice-president of the United States, of those political parties and organizations who have nominated presidential electors as provided in KRS 118.325, where the certificate of nomination of such electors has been filed with the secretary of state within the time prescribed in this chapter.

(g) Candidates for soil and water district supervisors who have been nominated by petition as provided in KRS 262.210.

(2) Candidates for *school superintendent of county school districts and for* members of boards of education shall have their names printed on ballot labels and special ballots for the regular election only after filing as provided in KRS 160.220 *and subsection (2) of Section 3 of this Act.*

(3) Except as provided in KRS 118.105 and 118.115, the name of no candidate shall be printed upon the ballot labels and special ballots for any regular election as the nominee of any political party, as defined in KRS 118.015, or under the emblem of any political party, as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary election held as provided in this chapter.

(4) No county clerk shall knowingly cause to be printed, upon the ballot labels or special ballot for any regular election, the name of any candidate of a political party, as defined in KRS 118.015, who has not been nominated in the manner provided in the primary election laws.

Section 9. KRS 160.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 160.250 *or Section 4 of this Act* shall be fined not more than two hundred dollars ($200).

(2) Any person who violates any of the provisions of KRS 160.300 shall be fined not less than ten (10) nor more than fifty dollars ($50.00).

(3) Any superintendent who violates any of the provisions of KRS *160.370* [160.350] to 160.400 shall be fined not less than one hundred (100) nor more than one thousand dollars ($1,000) for each offense, and the violation is grounds for revocation of his certificate.

(4) Any superintendent who violates any of the provisions of KRS 160.420 shall be fined not less than one hundred (100) nor more than one thousand dollars ($1,000) for each offense.

(5) Any person who violates any of the provisions of KRS 160.550 shall be fined not less than fifty (50) nor more than one hundred dollars ($100), and shall be subject to removal from office.

Section 10. KRS 160.180 is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four (24) years; and

(b) Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and

(c) Unless he has completed at least the *twelfth* [eighth] grade in the common schools as shown by the records of the school in which the *twelfth* [eighth] grade was completed or by affidavits of the teacher or teachers under whom the work was completed, or unless he has the equivalent of *a twelfth* [an eighth] grade education as determined by an examination held under rules and regulations adopted by the state board of education; or

(d) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(e) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(f) Who has been removed from membership on a board of education for cause.

(2) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (e) of subsection (1) of this section, or becomes a candidate for nomination or election to any office or agency the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he moves his residence from the district for which he was chosen, or if he does anything that would render him ineligible for re-election, his office shall without further action be vacant.

(3) A board member shall be eligible for re-election unless he becomes disqualified.

(4) No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to him as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law or first cousin, and the majority vote of the remainder of the board is required in case of appointment or employment of such person.

Section 11. KRS 160.350 and 161.721 are repealed."

On the roll call the vote was yeas 28-Bendl, Bennett, Benson, Beshear, Cyrus, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Holbrook, Hopkins, Imes, Lindsay, Little, Mason, Maynard, Muncy, Overstreet, Priddy, Romines, Siemens, Siler, Wright, Yates. Nays 55-B. Adams, A. S. Adams, J. Allen, Arnold, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, DeFalaise, Denham, Dietz, Foster, Hancock, Head, Holloway, Isler, Jones, Kenton, Kidd, King, Mann, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden.

The Floor Amendment No. 2 to **SB 157** was rejected.

Representative J. Allen moved that **SB 157** be laid on the table.

On the roll call the vote was yeas 34-J. Allen, Bendl, Bennett, Benson, Beshear, Blair, Blume, Clarke, Dawahare, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Gray, Guenthner, Hopkins, Hughes, Imes, Kenton, Kleier, Little, McBee, McBride, Muncy, Nett, O'Brien, Priddy, B. Richardson, Romines, Siemens, Siler, Yates. Nays 44-Ackerson, B. Adams, A. S. Adams, Arnold, Bevins, Blythe, Boatwright, Brinkley, Bruce, Carpenter, Clapp, Craddock, Crupper, DeFalaise, Denham, Dietz, Foster, Gay, Hancock, Head, Holbrook, Holloway, Isler, Jones, Kidd, King, LeMaster, Maynard, McGill, Morgan, Morris, Pearl, Rattliff, Richards, P. Richardson, Robinson, Sale, Schmidt, Stephens, Tobin, Vincent, Wible, Wooden, Wright.

The motion that **SB 157** be laid on the table was rejected.

Representative Clarke moved that consideration of **SB 157** be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 44-J. Allen, Bendl, Bennett, Benson, Beshear, Blume, Brown, Clarke, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Gay, Gray, Guenthner, Holbrook, Hopkins, Hurst, Imes, Jones, Kenton, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, Muncy, O'Brien, Pearl, Priddy, Romines, Siemens, Siler, Thomas, Wright, Yates. Nays 42-Ackerson, B. Adams, A. S. Adams, Arnold, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Carpenter, Clapp, Cooper, Craddock, Crupper, DeFalaise, DeMarcus, Denham, Doss, Foster, Givhan, Hancock, Head, Holloway, Hughes, Isler, King, McGill, Morgan, Morris, Nett, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Stephens, Tobin, Vincent, Wible, Wooden.

The motion that consideration of **SB 157** be deferred and that it retain its position in Orders of the Day was adopted.

**SB 27** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **SB 27** be passed.

Representative Denham moved that **SB 27** be laid on the table.

On the roll call the vote was yeas 42-B. Adams, J. Allen, Bendl, Benson, Blair, Blandford, Brown, Carpenter, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Doss, Dunn, Floyd, Foster, Gay, Hardwick, Head, Holbrook, Hughes, Hurst, Imes, Isler, Kidd, Lindsay, Little, Maynard, McBride, Morgan, Muncy, O'Brien, Overstreet, Richards, P. Richardson, Sale, Siemens, Siler, Vincent, Wible, Wooden. Nays 39-Ackerson, Arnold, Bevins, Blume, Boatwright, Brinkley, Bruce, Burnette, Clapp, Clarke, Fitzgerald, Gray, Guenthner, Hancock, Hopkins, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, McBee, Morris, Pearl, Priddy, B. Richardson, Robinson, Romines, Schmidt, Stephens, Tobin, Thomas, J. Turner, Wells, Wright, Yates.

**SB 27** was tabled.

Representative B. Richardson moved that **HB 773** be recommitted to the Committee on State Government. Agreed.

**HB 787,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved the adoption of the Committee Amendment to **HB 787.** Agreed.

Representative Dietz moved that **HB 787,** as amended, be passed.

On the roll call the vote was yeas 41-Ackerson, Bendl, Bennett, Benson, Blandford, Blume, Blythe, Clarke, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Mann, Mason, McBee, McBride, Morgan, O'Brien, Priddy, P. Richardson, Romines, Schmidt, Siemens, J. Turner, Wooden, Yates. Nays 32-B. Adams, A. S. Adams, J. Allen, Boatwright, Brinkley, Bruce, Burnette, Clapp, Crupper, Denham, Deskins, Doss, Foster, Gay, Givhan, Head, Imes, Lindsay, Little, May, Morris, Muncy, Overstreet, Pearl, Richards, B. Richardson, Robinson, Siler, Stephens, Tobin, Vincent, Wible.

**HB 787,** as amended, was passed and the title agreed to.

Representative Wells moved that the vote by which **HB 787** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Senate Message

Announcing passage of **HB 497.**

### Orders of the Day (continued)

**HCR 105** taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Jones moved that **HCR 105** be passed.

On the roll call the vote was yeas 70-Ackerson, B. Adams, Bendl, Bennett, Beshear, Bevins, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, Wible, Wooden, Wright. Nays 1-Guenthner.

**HCR 105** was passed and the title agreed to.

Representative Wells moved that the vote by which **HCR 105** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 148** taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **SB 148** be passed.

On the roll call the vote was yeas 56-B. Adams, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Brown, Burnette, Carpenter, Clarke, Craddock, Cyrus, Dawahare, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Isler, Jones, Kenton, Kidd, Lindsay, Mann, Mason, Maynard, McBee, McBride, McGill, Morris, Nett, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Tobin, Thomas, Vincent, Wells, Wible, Wooden. Nays 14-Bruce, Cooper, Crupper, DeMarcus, Hopkins, Hughes, King, LeMaster, May, Overstreet, Robinson, Siler, Stephens, Wright.

**SB 148** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 148** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Senate Message

The following letter was received from the Senate: The Senate respectfully requests of this Honorable Body that House Bill No. 497 be returned to the Senate for reconsideration.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 674, HB 526, HB 289, HB 564,** HB 378, **HB 218, HB 416, HB 532, HB 478, HB 585, HB 325, HB 639, HB 455,** HB 194, **HB 712, HB 675, HB 362, HB 191, HB 590, HB 732, HB 193, HB 559,** HB 573, **HB 333** and **HB 652** had been examined and found correctly enrolled. **HB 674, HB 526, HB 289, HB 564, HB 378, HB 218, HB 416, HB 532, HB 478, HB 585, HB 325, HB 639, HB 455, HB 194, HB 712, HB 675, HB 362, HB 191, HB 590, HB 732, HB 193, HB 559, HB 573, HB 333** and **HB 652** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 674, HB 526, HB 289, HB 564, HB 378, HB 218, HB 416, HB 532, HB 478, HB 585, HB 325, HB 639, HB 455, HB 194, HB 712, HB 675, HB 362, HB 191, HB 590, HB 732, HB 193, HB 559, HB 573, HB 333** and **HB 652** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Recess

Representative B. Richardson moved that the House recess until 1:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Orders of the Day (continued)

**SB 364** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Cooper, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mason, Maynard, McBride, McGill, Morgan, Muncy, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells. Nays 2-W. Allen, Deskins.

**SB 364** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 364** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 274** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70-B. Adams, A. S. Adams, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clapp, Cooper, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mason, Maynard, McBee, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells. Nays 1-Deskins.

**SB 274** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 274** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 174** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58-B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Bruce, Clapp, Clarke, Craddock, Crupper, Dawahare, Dietz, Donnermeyer, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Hopkins, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Pearl, Priddy, Richards, P. Richardson, Sale, Siemens, Stephens, Tobin, Thomas, J. Turner, Wells, Wooden. Nays 12-J. Allen, Blume, Brown, Burnette, DeFalaise, DeMarcus, Deskins, Doss, Holbrook, Kidd, Nett, Overstreet.

**SB 174** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 174** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

Announcing passage of **HB 509** with Amendment, **HB 202** with Amendment, HB 699, **HB 114, HB 788, HB 753, HB 700, HB 631, HB 518, HB 567, HB 143,** HB 695, **HB 394, HR 24, HB 365, HB 539, HB 566, HB 489, HB 488, HB 249, HB 640, HB 560, HB 698, HB 100** and **HB 253.**

### Orders of the Day (continued)

**SB 176** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved that **SB 176** be passed.

On the roll call the vote was yeas 46-B. Adams, A. S. Adams, Arnold, Bendl, Beshear, Boatwright, Brinkley, Bruce, Cooper, Craddock, Dawahare, DeFalaise, Denham, Donnermeyer, Doss, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Jones, Kenton, Mason, Maynard, McBee, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Stephens, Wooden. Nays 24-J. Allen, W. Allen, Blandford, Burnette, Clapp, Crupper, Deskins, Dietz, Fitzgerald, Floyd, Hurst, Imes, Isler, Kidd, King, LeMaster, Lindsay, Little, McBride, McGill, Tobin, Thomas, J. Turner, Vincent.

**SB 176** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 176** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 186** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **SB 186** be passed.

On the roll call the vote was yeas 53-A. S. Adams, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Clarke, Cooper, Craddock, Dawahare, DeFalaise, DeMarcus, Dietz, Doss, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, LeMaster, Mann, Mason, McBee, McBride, McGill, Nett, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siler, Stephens, Thomas, Wells. Nays 22-B. Adams, J. Allen, Burnette, Clapp, Crupper, Denham, Deskins, Donnermeyer, Hancock, Imes, Lindsay, Little, Maynard, Morris, Muncy, O'Brien, Overstreet, Pearl, Siemens, Tobin, J. Turner, Vincent.

**SB 186** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 186** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 155** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **SB 155:**

Amend printed copy of Senate Bill 155 on page 4, line 7, by deleting "nine (9)" and inserting in lieu thereof "five (5)";

and on lines 19, 20, 21 and 22 by deleting the following: "Each commission member shall be favorable to the general purposes of this Act and shall have demonstrated an interest sympathetic to preservation of natural areas and each" and inserting in lieu thereof the following: "Of the five (5) commission members, one shall be a representative from the Farm Bureau Association, one shall be a represenative from the National Farmers Organization, and one shall be a representative from the State Soil Conservation Department. Each"

and on line 23, by deleting the comma after the word "Commonwealth";

and on line 24, by deleting everything on said line except the period.

Agreed.

Representative B. Richardson moved that the rules be suspended to consider the Floor Amendment No. 3 to **SB 155.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 3 to **SB 155:**

Amend printed copy of Senate Bill 155 line 8 of that amendment, by deleting the words "State Soil Conservation Department" and inserting in lieu thereof the words "State Association of Soil Conservation Districts".

Agreed.

Representative B. Richardson moved that **SB 155,** as amended, be passed.

On the roll call the vote was yeas 47-A. S. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Givhan, Head, Isler, Kenton, King, LeMaster, Mann, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearl, Richards, B. Richardson, Sale, Schmidt, Siemens, Stephens, Tobin, J. Turner, Vincent, Wells, Wooden. Nays 36-B. Adams, J. Allen, W. Allen, Blair, Boatwright, Brinkley, Bruce, Burnette, Cooper, Crupper, Dawahare, Denham, Deskins, Foster, Freeman, Gray, Guenthner, Hancock, Holbrook, Hopkins, Hurst, Imes, Jones, Lindsay, Little, Mason, Maynard, Morris, Muncy, Overstreet, Priddy, P. Richardson, Robinson, Siler, Thomas, Wright.

**SB 155,** as amended, was defeated.

The Speaker announced that **SB 155** was defeated, since passage requires 51 votes.

Representative Bruce moved that the vote by which **SB 155,** as amended, was defeated be reconsidered.

On the roll call the vote was yeas 47-B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Givhan, Gray, Hancock, Isler, Kenton, King, LeMaster, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, B. Richardson, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, J. Turner, Wooden. Nays 16-W. Allen, Crupper, Denham, Foster, Guenthner, Hardwick, Holbrook, Hopkins, Hurst, Imes, Jones, Lindsay, Mason, Overstreet, P. Richardson, Robinson.

The motion that the vote by which **SB 155,** as amended, was defeated be reconsidered was adopted.

**SB 155,** as amended, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **SB 155,** as amended, be passed.

On the roll call the vote was yeas 58-J. Allen, Arnold Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Fitzgerald, Freeman, Givhan, Gray, Hancock, Hardwick, Holloway, Isler, Kenton, Kidd, King, LeMaster, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wible, Wooden. Nays 18-W. Allen, Blair, Boatwright, Crupper, Deskins, Guenthner, Holbrook, Hopkins, Hurst, Imes, Jones, Lindsay, Mason, Overstreet, P. Richardson, Robinson, Siler, Wright.

**SB 155,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 155,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 188,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Floor Amendment No. 1 to **SB 188:**

Amend printed copy of Senate Bill 188 page 18, line 22 by deleting "five per cent (5%)" and inserting in lieu thereof "four per cent (4%)";

and on page 22, lines 25 and 26 by deleting the words "a written explanation of his rights under this Act and".

Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 188.** Agreed.

Representative B. Richardson moved that **SB 188,** as amended, be passed.

On the roll call the vote was yeas 52-B. Adams, J. Allen, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Burnette, Clapp, Clarke, Cyrus, DeFalaise, Denham, Dietz, Donnermeyer, Doss, Foster, Freeman, Givhan, Gray, Hardwick, Head, Hopkins, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Richards, B. Richardson, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, Wells, Wible, Wooden. Nays 17-W. Allen, Blair, Boatwright, Brinkley, Crupper, Deskins, Hancock, Lindsay, Little, May, Morris, Muncy, Pearl, Robinson, Siler, Stewart, J. Turner.

**SB 188,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 188,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 261** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46-B. Adams, Arnold, Bendl, Beshear, Bevins, Blandford, Blume, Carpenter, Clapp, Clarke, Craddock, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Imes, Isler, Kenton, Kidd, King, LeMaster, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Pearl, Rattliff, Richards, B. Richardson, Sale, Schmidt, Stephens, Tobin, Thomas, Wells, Wible, Wooden. Nays 26-A. S. Adams, J. Allen, W. Allen, Blythe, Boatwright, Brinkley, Burnette, Cooper, Crupper, Dawahare, Deskins, Floyd, Freeman, Hardwick, Holloway, Hopkins, Little, Morris, Muncy, Nett, Overstreet, P. Richardson, Robinson, Siler, J. Turner, White.

**SB 261** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 261** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 195** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stewart moved that **SB 195** be passed.

On the roll call the vote was yeas 76-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Doss, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden. Nays 0.

**SB 195** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 195** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 193** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved that the rules be suspended for the purpose of offering a floor amendment.

On the roll call the vote was yeas 42-Ackerson, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blythe, Clarke, Crupper, DeFalaise, Deskins, Fitzgerald, Gray, Guenthner, Hancock, Holbrook, Holloway, Hurst, Isler, LeMaster, Mann, Maynard, McGill, Morgan, O'Brien, Pearl, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Tobin, Thomas, White, Wible, Wooden, Yates. Nays 8-Cooper, Craddock, Foster, Head, Mason, McBride, B. Richardson, J. Turner.

The motion to suspend the rules was rejected.

On the roll call the vote was yeas 76-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Hancock, Holbrook, Holloway, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Muncy, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 6-Beshear, DeFalaise, Hopkins, Lindsay, Overstreet, Robinson.

**SB 193** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 193** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 266** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clarke, Cooper, Craddock, Crupper, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Yates. Nays 6-W. Allen, Bruce, Burnette, Lindsay, Morris, Robinson.

**SB 266** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 266** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 267** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Bevins, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Mann, McBee, McBride, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Stephens, Stewart, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 15-W. Allen, Beshear, Burnette, Crupper, Deskins, Doss, Freeman, Hardwick, Lindsay, Little, Maynard, Overstreet, Rattliff, Robinson, Schmidt.

**SB 267** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 267** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 269** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mason, May, Maynard, McBee, McBride, McGill, Morris, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 3-W. Allen, Blythe, Overstreet.

**SB 269** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 269** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 275** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56-B. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Blythe, Brown, Clarke, Cooper, Crupper, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Floyd, Guenthner, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Thomas, J. Turner, Vincent, Wells, Yates. Nays 22-Ackerson, J. Allen, W. Allen, Blair, Boatwright, Brinkley, Bruce, Burnette, Clapp, Denham, Foster, Freeman, Gay, Gray, Hancock, Hughes, King, Morris, Overstreet, Rattliff, Tobin, Wible.

**SB 275** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 275** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 100, HB 249, HB 253, HB 143,** HB 114, **HB 365, HB 394, HB 488, HB 489, HB 518, HB 539, HB 560, HB 566,** HB 567, **HB 631, HB 640, HB 695, HB 698, HB 699, HB 700, HB 788, HR 24** and HB 753 had been examined and found correctly enrolled. **HB 100, HB 249,** HB 253, **HB 143, HB 114, HB 365, HB 394, HB 488, HB 489, HB 518, HB 539,** HB 560, **HB 566, HB 567, HB 631, HB 640, HB 695, HB 698, HB 699, HB 700,** HB 788, **HR 24** and **HB 753** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 100, HB 249, HB 253, HB 143, HB 114, HB 365, HB 394, HB 488, HB 489, HB 518, HB 539, HB 560, HB 566, HB 567, HB 631, HB 640, HB 695, HB 698, HB 699, HB 700, HB 788, HR 24** and **HB 753** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Orders of the Day (continued)

**SB 290** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that **SB 290** be passed.

On the roll call the vote was yeas 72-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Mann, Maynard, McBee, Muncy, Nett, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Vincent, Wible, Wooden, Yates. Nays 3-McBride, Schmidt, J. Turner.

**SB 290** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 290** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 216** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Bruce, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Guenthner, Hardwick, Head, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mason, Maynard, McBride, McGill, Morgan, Morris, Muncy, Nett, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 15-W. Allen, Blair, Brinkley, Brown, Burnette, Clarke, Gray, Holbrook, Hurst, Lindsay, Overstreet, Rattliff, Schmidt, Thomas, Wooden.

**SB 216** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 216** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 298** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Carpenter, Clapp, Clarke, Cooper, Crupper, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Gray, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 9-W. Allen, Brown, Burnette, DeFalaise, Denham, Fitzgerald, Lindsay, Nett, Overstreet.

**SB 298** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 298** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 309,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 309.** Agreed.

Representative B. Richardson moved that **SB 309,** as amended, be passed.

On the roll call the vote was yeas 60-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Gray, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mason, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Sale, Siemens, Stephens, Thomas, J. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 20-A. S. Adams, W. Allen, Blair, Brinkley, Brown, Bruce, Burnette, Cooper, Denham, Floyd, Foster, Hopkins, Hughes, Morris, Muncy, Overstreet, Rattliff, Siler, Vincent, White.

**SB 309,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 309,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 347,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **SB 347.** Agreed.

Representative B. Richardson moved that **SB 347,** by way of Committee Substitute, be passed.

Representative Overstreet moved the adoption of Floor Amendment No. 1 to **SB 347** be a roll call vote.

Amend printed copy of Senate Bill 347 on page 2, after line 9, by adding the following:

"Section 2. KRS 205.225 is amended to read as follows:

*(1)* If the secretary finds that [public assistance payments have been made in error to any person, or if] any person knowingly makes a false statement or misrepresentation of a material fact or knowingly fails to disclose a material fact to the Department for Human Resources for the purpose of obtaining or increasing any initial or continuing public assistance payments, the secretary may take the following action:

*(a)* [(1)] Withhold future public assistance payments until all overpayments are repaid or until assistance is reinstated through the appeal process set forth in KRS 205.231 to 205.237.

*(b)* [(2)] Institute civil action in the circuit court to recover payments made in error or made as the result of fraud.

*(c)* [(3)] Report all facts in the case to the county attorney for prosecution under KRS 205.990 if fraud is indicated.

*(2) If the secretary finds that public assistance payments have been made in error to any person, due to any error made by any employe of the department, the secretary shall not:*

*(a) Withhold future public assistance payments until all overpayments are repaid or until assistance is reinstated through the appeal process set forth in KRS 205.231 to 205.237.*

*(b) Institute civil action in the circuit court to recover payments made in error.*

*(c) Require the recipient of public assistance benefits to repay to the department any such overpayments.*"

On the roll call the vote was yeas 40-Ackerson, A. S. Adams, W. Allen, Bendl, Bennett, Beshear, Blair, Blythe, Boatwright, Brinkley, Cooper, Dawahare, DeFalaise, DeMarcus, Deskins, Dunn, Floyd, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Kidd, Little, May, Maynard, McGill, Muncy, Nett, Overstreet, Priddy, Robinson, Siemens, Siler, Tobin, Wible, Wooden, Wright, Yates. Nays 41-B. Adams, J. Allen, Arnold, Bevins, Blandford, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Denham, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Gray, Guenthner, Hancock, Imes, Isler, King, LeMaster, Mann, Mason, McBride, Morgan, Morris, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Sale, Stephens, Stewart, J. Turner, Vincent, Wells.

The motion that Floor Amendment No. 1 be adopted by a call of the roll was rejected.

On the roll call the vote was yeas 84-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 3-W. Allen, Brinkley, Hughes.

**SB 347,** by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 347,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 352** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Craddock moved that **SB 352** be passed.

On the roll call the vote was yeas 88-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 352** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 352** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 358** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79-Ackerson, B. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, R. Turner, Vincent, Wible, Wooden, Wright, Yates. Nays 5-J. Allen, Deskins, Fitzgerald, Kenton, Muncy.

**SB 358** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 358** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Pearl moved that the rules be suspended to request that he be recorded as voting "nay" on **SB 216.** Agreed.

**SB 369,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of Committee Amendment to **SB 369.**

On the roll call the vote was yeas 58-Ackerson, B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Carpenter, Clarke, Craddock, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Hancock, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Mann, May, Maynard, McBee, McBride, Morgan, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Thomas, J. Turner, Vincent, Wells, Wible, Wooden. Nays 16-A. S. Adams, W. Allen, Blair, Bruce, Burnette, Deskins, Fitzgerald, Freeman, Gay, Gray, Hughes, Hurst, Mason, Morris, Tobin, White.

The Committee Amendment to **SB 369** was adopted.

Representative Clarke moved that **SB 369,** as amended, be passed.

On the roll call the vote was yeas 56-B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Carpenter, Clapp, Clarke, Craddock, Crupper, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Hancock, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Kenton, Kidd, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearl, Rattliff, Richards, P. Richardson, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Yates. Nays 24-Ackerson, A. S. Adams, W. Allen, Bennett, Blair, Bruce, Burnette, Deskins, Doss, Fitzgerald, Floyd, Freeman, Gray, Head, Hughes, Lindsay, Little, Mason, Morris, Muncy, Robinson, Siler, White, Wright.

**SB 369,** as amended, was passed.

Representative B. Richardson moved the adoption of the following Title Amendment to **SB 369:**

Amend printed copy of Senate Bill 369 page 1, the title by deleting same and inserting in lieu thereof "AN ACT relating to appropriations."

Agreed.

Representative B. Richardson moved that the vote by which **SB 369,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 268** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77-Ackerson, B. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Freeman, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 6-J. Allen, W. Allen, DeMarcus, Deskins, Doss, Fitzgerald.

**SB 268** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 268** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 793** be recommitted to the Committee on Appropriations and Revenue. Agreed.

**SB 294,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 294.** Agreed.

Representative B. Richardson moved that **SB 294,** as amended, be passed.

On the roll call the vote was yeas 74-Ackerson, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 8-B. Adams, J. Allen, W. Allen, Arnold, Deskins, Doss, Fitzgerald, Stephens.

**SB 294,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 294,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 368:**

Amend printed copy of House Bill 368 as follows:

on page 2, line 4 by deleting "that which a person may legally buy and trans-" and inserting in lieu thereof "one quart per person of each variety of wine produced at such winery";

and on page 2, line 5, by deleting the words "port for his own consumption".

Agreed.

Representative B. Richardson moved that **HB 368,** as amended, be passed.

On the roll call the vote was yeas 47-Ackerson, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Clarke, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Hancock, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Mann, Mason, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearl, Sale, Schmidt, Siemens, Stewart, Thomas, J. Turner, Wible, Wooden, Yates. Nays 20-B. Adams, W. Allen, Blythe, Bruce, Burnette, Crupper, Foster, Freeman, Gray, Imes, Lindsay, May, Morris, Muncy, Richards, B. Richardson, Robinson, Siler, Tobin, Vincent.

**HB 368,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 368,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

## Motions, Petitions and Communications

Representative B. Richardson moved that when the House adjourns, it do so by voice vote and until 12 noon, Thursday, March 18, 1976. Agreed.

Representative B. Richardson moved that when the House recesses, that no other business be transacted other than Report of Committees and Senate Messages. Agreed.

Representative Blair moved the adoption of the following Legislative Citation No. 56:

The House of Representatives of the Commonwealth of Kentucky hereby honors Mr. William D. Gorman of Hazard, Kentucky, and gratefully acknowledges his contributions to the people of Southeastern Kentucky as president and founder of WKYH-TV in Hazard. This body commends the dedicated efforts of Mr. Gorman and his staff for the invaluable public services they have provided the Southeastern region through the television media since 1969. This body further applauds Mr. Gorman and WKYH-TV for their devotion to the improvement of living in the Southeastern Kentucky mountains and extends sincere best wishes for the future. (Sponsored by Representative Blair)

Agreed.

Representative Clarke moved the adoption of the following **HR 124:**

**HR 124,** A RESOLUTION directing a study of the public kindergarten program in Kentucky.

WHEREAS, the citizens of Kentucky deserve and desire the best possible educational programs for their children; and

WHEREAS, the State Department of Education has operated a pilot Kindergarten program since 1973 and has not presented satisfactory evidence of the successful application of the Kindergarten theory in Kentucky; and

WHEREAS, 300 additional Kindergarten units have been authorized for the 76-78 biennium at an addition cost to taxpayers of over five million dollars; and

WHEREAS, a full state Kindergarten program will cost taxpayers in excess of thirty million dollars annually;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission shall in conjunction with the interim joint committee on education and with the assistance as required of the Department of Education, conduct a study of the state Kindergarten program. The study shall be designed to ascertain the goals of the program, to report the extent to which these goals and objectives are being met, and to devise a method to measure the import of kindergartens on student achievement in Kentucky.

Section 2. Staff services to be utilized in completing this study are estimated to cost $25,000. The staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

Agreed.

Representative Tobin moved the adoption of the following Legislative Citation No. 58:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Meade County Girls' Basketball Team for having won the Good Sportsman Trophy at the 17th District Girls' Basketball Tournament. This body commends the fine team players and coaching staff for their spirited team effort and sportsmanlike conduct and extends to them best wishes for the future. (Sponsored by Representative Tobin)

Agreed.

Representative Tobin moved the adoption of the following Legislative Citation No. 59:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Breckinridge County Tigers for having won the 11th District Boys' Basketball Tournament. This body commends the talented efforts of this fine team, Coach Woody Neal and the coaching staff, and extends sincere best wishes for the future. (Sponsored by Representative Tobin)

Agreed.

Representative B. Richardson moved that the rules be suspended for Report of Committees. Agreed.

## Report of Committees

The Committee on Appropriations and Revenue reported **SB 362,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Business Organizations and Professions reported **SB 375** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 375,** AN ACT relating to dentists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 313.080 is amended to read as follows:

(1) By December 31 of each year, every dentist licensed to practice in this state shall return to the secretary-treasurer of the board [his renewal notice properly signed, a fee of $25.00 and] evidence satisfactory to the board that such dentist has accumulated a sufficient number of points for continuing dental education in accordance with a schedule of points which shall be adopted by the board. *Provided* [The dentist shall thereupon receive a license renewal certificate, provided], however, that the board, in its discretion, may make exceptions to the point requirement for continuing dental education for such hardship or other extenuating circumstances as the board deems appropriate. [When the amount of the balance of cash in the hands of the secretary-treasurer reaches the sum of $25,000, the board may fix the annual renewal license fee at such amount, not less than $5.00 nor more than $25.00, as is necessary to maintain a revolving fund at an approximate level of $25,000.]

(2) *By March 1 of each year every dentist licensed to practice in this state shall return to the secretary-treasurer of the board his renewal notice properly signed and a fee of not more than forty dollars ($40.00) or as hereinafter prescribed by the board. The dentist shall thereupon receive a license renewal certificate, provided that he has also complied with the requirements of subsection (1). When the amount of the balance of cash in the hands of the secretary—treasurer reaches the sum of $35,000, the board may fix the annual renewal license fee at such amount, not less than $10.00 nor more than $40.00 as is necessary to maintain a revolving fund at an approximate level of $35,000.* The license fee for each year shall be set annually by the board. Notice of such change in the amount of license renewal fee shall be given to each dentist registered in the state by the secretary-treasurer not later than December 1. Any license granted by the board shall be suspended if the holder fails to secure the renewal certificate by March 1 of each year, but any license thus suspended may be restored by the board upon the payment to the secretary-treasurer of a reinstatement fee of $50.00 within one (1) year after the suspension.

The following members filed Floor Amendments to Bills:

Representative Gray: No. 1 to **SB 146.**

Representative Wright: Title to **SB 30.**

Representative Rattliff: No. 1 to **SB 309.**

Representative Morgan: No. 1 to **SB 271.**

Representative Blume. No. 1 to **SB 193.**

Representative Burnette: No. 3 to **SB 155.**

Representative Clapp: No. 1 to **SB 168.**

Representative Morgan: No. 6 to **SB 362.**

Representative Clarke: No. 3 to **SB 157.**

Representative Clapp: No. 1 to **SB 197.**

Representative McGill: No. 2 to **SB 146.**

Representative Priddy: No. 1 to **SB 179.**

Representative Benson: No. 1 to **SB 61.**

Representative Arnold: Title and No. 1 to **SB 154.**

Representative Blume: Title and No. 1 to **SB 275.**

Representative Nett: Title and No. 3 to **SB 170.**

Representative Craddock: No. 1 and Title No. 2 to **SB 30.**

Representative Beshear: No. 2 to **SB 170.**

Representative DeFalaise: No. 3 to **SB 146.**

Representative Imes moved that the rules be suspended to allow members to make requests in regard to voting. Agreed.

Representative Imes requested that he be recorded as voting "nay" on **SB 147.**

Representative Guenthner requested that he be recorded as voting "yea" on **SB 147.**

Representative Siemens requested that he be recorded as voting "yea" on **SB 220.**

Representative Kleier requested that he be recorded as voting "yea" on **SB 216.**

Representative Cooper requested that he be recorded as voting "nay" on **SB 275.**

Representative Burnette requested that he be recorded as voting "yea" on **HB 93,** "yea" on **SB 276.**

Representative Thomas requested that he be recorded as voting "yea" on **SB 248** and **SB 249.**

Representative Craddock requested that she be recorded as voting "yea" on **SB 347.**

## Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour, Representative Wells assumed the Chair and called the House to order.

Representative B. Richardson moved that the rules be suspended to proceed with Report of Committees. Agreed.

## Report of Committees

The Committee on Rules reported **SB 154, SB 362, SB 359** with Committee Amendment attached thereto, **HR 83, HJR 93, SB 14, SB 30** with Committee Amendment attached thereto, **SB 56** with Committee Amendment attached thereto, **SB 61, SB 136, SB 142, SB 146, SB 156, SB 168, SB 179, SB 197, SB 230, SB 241, SB 254** with Committee Substitute attached thereto, **SB 270, SB 271, SB 273** with Committee Amendment attached thereto, **SB 283, SB 295, SB 327, SB 354, SJR 13,** SJR 41, **SB 253** have been posted for passage in Orders of the Day.

The Committee on Rules reported **HJR 78** has been recommitted to the Committee on Education.

The Committee on Rules reported **SB 200** has been recommitted to the Committee on Education.

Representative Robinson moved that the rules be suspended for the purpose of making a request in regard to voting. Agreed.

Representative Robinson requested that he be recorded as voting "yea" on **SCR 14, SB 161, SB 169, SB 203, SB 276, SB 277, SB 279, SB 223, SB 243, SB 244, SB 96, HJR 64, HB 771.**

Representative Robinson requested that he be recorded as voting "nay" on **SB 171, SB 211, SB 256,** and **SB 32.**

Representative Foster requested that he be recorded as voting "yea" on **SB 226, SB 242, SB 258, SB 259, SB 276, SB 277, SB 279, SB 166, SB 214, SB 224, SB 244, SB 248,** and **SB 249.**

Representative O'Brien moved that the rules be suspended for the purpose of making a request in regard to voting. Agreed.

Representative O'Brien requested that he be recorded as voting "yea" on **SB 185, SB 213, SB 262, SB 25, SB 216, HCR 105, SB 148, SB 176, SB 274, SB 275, SB 290,** and **SB 298.**

Representative Hancock moved that the rules be suspended for the purpose of making a request in regard to voting. Agreed.

Representative Hancock requested that he be recorded as voting "nay" on **SB 147, SB 220, SB 23** and **SB 297** and "yea" on **SB 96, SB 274, SB 248, SB 249, SB 216,** and **SB 298.**

Representative Hancock moved that his name be withdrawn as co-sponsor of **HB 87.** Agreed.

Representative Priddy moved that the rules be suspended for the purpose of making a request in regard to voting. Agreed.

Representative Priddy requested that she be recorded as voting "yea" on **SB 195, SCR 11, SB 266, SB 267, SB 269, SB 193, SB 188** and **SB 50.**

Representative Romines moved that the rules be suspended for the purpose of making a request in regard to voting. Agreed.

Representative Romines requested that he be recorded as voting "yea" on **SB 147, SJR 11, SB 191, SB 185, SB 213, SB 262,** and **SB 25.**

Representative Boatwright presiding.

## Adjournment

Representative B. Richardson moved that the House adjourn until 12 noon, Thursday, March 18, 1976. Agreed.

## THURSDAY, MARCH 18, 1976

## FIFTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Ralph Aday, Vine Grove Baptist Church, Vine Grove, Kentucky.

The roll was called. All present except Representative R. A. Turner.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 17, 1976, be dispensed with and the same approved. Agreed.

### Introduction of Resolutions

**HR 125,** by Representative Mason: A RESOLUTION to adjourn on March 18, 1976, in memory of Mrs. Rena Mitchell.

**HR 126,** by Representative Mason: A RESOLUTION to ajourn on March 18, 1976, in memory of Evan K. Harrod.

**HR 127,** by Representatives Holbrook, Cyrus, and Benson: A RESOLUTION honoring the 1975 Ashland Paul G. Blazer Tomcats for reaching the State 4A football championship.

**HR 128,** by Representative Blair: A RESOLUTION honoring Ms. Marsha Griffith, Miss Kentucky 1976-77.

**HR 129,** by Representatives Freeman and Burnette: A RESOLUTION requesting that the Kentucky High School Athletic Association seriously consider moving the State Basketball Tournament to Lexington.

**HR 130,** by Representative Benson: A RESOLUTION commending the legislative interns.

### Orders of the Day

Representative Benson moved that the rules be suspended to take action on Legislative Citations. Agreed.

Representative Benson moved the adoption of the following Legislative Citation No. 53:

The House of Representatives of the Commonwealth of Kentucky hereby expresses its appreciation to Dr. William Biggs for his outstanding contribution to the legislative process during this 1976 Session. This body recognizes Dr. Biggs' invaluable assistance in drafting legislation and facilitating Cities Committee work. The extra hours and efforts expended by Dr. Biggs during his sabbatical from the University of Louisville School of Law have been of great benefit to the Commonwealth, and this body hereby honors Dr. William Biggs for these efforts. (Sponsored by Representative William G. Kenton, Speaker of the House)

Agreed.

Representative Benson moved the adoption of the following Legislative Citation No. 54:

The House of Representatives of the Commonwealth of Kentucky hereby expresses its appreciation to William Clark for his outstanding contribution to the elderly and economically deprived citizens of this Commonwealth. This body acknowledges the time and effort Mr. Clark has given in providing his fellow human beings a feeling of security, comfort and happiness. The House of Representatives honors William Clark for his compassion and the respect he has brought to his profession. (Sponsored by Representative William G. Kenton, Speaker of the House)

Agreed.

Representative Holbrook moved that the rules be suspended for the purpose of adopting a Resolution. Agreed.

Representative Holbrook moved the adoption of the following **HR 127:**

**HR 127,** A RESOLUTION honoring the 1975 Ashland Paul G. Blazer Tomcats for reaching the State 4A football championship.

WHEREAS, the Ashland Blazer Tomcats represented their region admirably in the 1975 4A football championship; and

WHEREAS, the Ashland Blazer Tomcats sacrificed long hours in seeking the state championship; and

WHEREAS, these recent accomplishments add to the tradition of fine teams at Ashland Blazer;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Ashland Paul G. Blazer Tomcats be honored for their efforts in the 1975 4A state football championship.

Section 2. That the Clerk of the House be directed to send copies of this resolution to the principal, athletic director, and head football coach of Blazer High School.

Agreed.

**HCR 74** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardwick moved the adoption of **HCR 74.**

On the roll call the vote was yeas 88-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HCR 74** was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 74** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 184** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brown, Bruce, Burnette, Carpenter, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 184** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 184** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Senate Message

Announcing passage of **HB 129** with Amendment, **HB 466, HB 716** with Amendment, **HB 842, HB 499** with Amendment, **HB 676** with Amendment, **HB 663, HB 565,** HB 102, **HB 37, HB 407** with Amendment, **HB 248** with Amendment, **HB 593** with Amendment, **HB 641** with Committee Substitute, **HB 402** with Amendment, **HB 705** with Amendment, **HB 806, HB 758, HB 838, HB 764,** and **HB 709.**

### Calendar

**SB 375** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

### Orders of the Day

**HR 83** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **HR 83** be adopted.

**HR 83** was adopted by voice vote.

**HJR 93** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HJR 93** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 93** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 14** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 14:**

Amend printed copy of Senate Bill 14, on page 8, by deleting Section 9 in its entirety.

Representative Hopkins moved that **SB 14** be returned to the Senate. (The Speaker announced he would consider this motion later.)

On the roll call the vote was yeas 32-Bendl, Bennett, Benson, Beshear, Bevins, Blume, Carpenter, Clapp, Clarke, Craddock, Denham, Deskins, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hughes, Isler, Kenton, King, Mann, McBee, McBride, Morgan, B. Richardson, Sale, Siemens, Stephens, Wells, Yates. Nays 47-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Blandford, Blythe, Boatwright, Bruce, Burnette, Cooper, Crupper, Dawahare, DeFalaise, DeMarcus, Fitzgerald, Gray, Guenthner, Holbrook, Holloway, Hopkins, Hurst, Imes, Jones, Kidd, LeMaster, Mason, May, Maynard, McGill, Morris, Muncy, O'Brien, Overstreet, Pearl, Richards, P. Richardson, Robinson, Schmidt, Siler, Tobin, J. Turner, Vincent, White, Wible, Wooden, Wright.

The Floor Amendment No. 1 to **SB 14** was rejected.

Representative B. Richardson moved that **SB 14** be laid on the Clerk's desk.

Representative Hopkins moved that **SB 14** be laid on the table.

On the roll call the vote was yeas 43-Ackerson, A. S. Adams, W. Allen, Arnold, Blandford, Boatwright, Brown, Burnette, Clarke, Cooper, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Dunn, Floyd, Foster, Freeman, Gray, Head, Holbrook, Hopkins, Hughes, Hurst, Jones, Kidd, Mason, Maynard, McGill, Morris, Muncy, Overstreet, Pearl, P. Richardson, Robinson, Schmidt, Siler, Tobin, J. Turner, White, Wright. Nays 38-B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blume, Bruce, Carpenter, Clapp, Deskins, Dietz, Donnermeyer, Fitzgerald, Givhan, Imes, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, May, McBride, Morgan, O'Brien, Richards, B. Richardson, Sale, Siemens, Stephens, Wells, Wible, Wooden, Yates.

**SB 14** was tabled.

**SB 273,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment to **SB 273.** Agreed.

Representative B. Richardson moved that the rules be suspended to allow him to file Floor Amendment No. 3 and Floor Title Amendment to **SB 273.** Agreed.

(Representative B. Richardson filed Floor Amendment No. 3 and Title Amendment to **SB 273.**)

Representative B. Richardson moved the adoption of the following Floor Amendment No. 3 to **SB 273:**

Amend printed copy of Senate Bill 273, on page 2, after line 10, by adding the following new section:

"Section 2. A new section of KRS Chapter 213 is created to read as follows:

"A coroner, when authorized to execute a certificate of death pursuant to KRS 213.090, may issue such certificate in the absence of the body of the deceased if the evidence presented to the coroner clearly establishes:

"(1) the identity of the deceased;

"(2) the location of the body;

"(3) the death was caused by fire or explosion or related causes in an underground passageway; and

"(4) The commissioner of the Department of Mines and Minerals certifies the conditions enumerated in subsections (1), (2) and (3) of this section to the coroner.

"Whereas, a mine disaster has occurred during this session of the General Assembly and certificates of death cannot be issued under existing law to insure the availability of death benefits for the surviving families of the victims thereof, an emergency is hereby declared to exist and Section 2 of this Act shall become effective upon its passage and approval by the Governor."

Agreed.

Representative B. Richardson moved that **SB 273,** as amended, be passed.

Representative Hurst moved the adoption of the following Floor Amendment No. 2 to **SB 273:**

Amend printed copy of Senate Bill 273, on page 2, line 10, after the word "fund." add the following:

"Section 2. KRS 27.010 is amended to read as follows:

(1) *In each county a master commissioner shall be elected at the next general election pursuant to KRS Chapter 118 and shall hold office for four years and until the election and qualification of his successor.* [Each circuit court shall appoint a master commissioner and may remove him and appoint another, but no master commissioner shall continue in office more than four (4) years without a reappointment.]

(2) The master commissioner shall execute a bond, with surety approved by the court. The bond shall be recorded in court.

(3) He shall execute a special bond when required by the court and no action shall be maintained on his general bond for matters covered by a special bond.

*(4) Master Commissioners in counties containing a population of less than seventy-five thousand (75,000) shall be compensated pursuant to KRS 64.530.*

Section 3. KRS 27.025 and KRS 27.040 are repealed."

Rejected.

On the roll call the vote was yeas 93-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Demarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 273** was passed.

Representative B. Richardson moved the adoption of the following Title Amendment to **SB 273:**

Amend printed copy of Senate Bill 273, on page 1, by amending the title to read "AN ACT relating to county officials."

Agreed.

Representative B. Richardson moved that the vote by which **SB 273,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Recess

Representative Rattliff moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day

Representative Lindsay filed Floor Amendment No. 2 (Title) to **SB 56.**

Representative Hurst filed Floor Amendment No. 2 to **SB 273.**

Representative Schmidt filed Floor Amendment No. 1 to **SB 254** and Title Amendment to **SB 254.**

Representative B. Richardson moved that the rules be suspended to present Miss Marsha Griffith, Miss Kentucky 1976-77, to the House and to grant her the privilege of the floor. Agreed.

Representatives Cyrus and Blair escorted Miss Kentucky into the House Chamber.

Representative B. Richardson moved the adoption of the following **HR 128:**

**HR 128,** A RESOLUTION honoring Ms. Marsha Griffith, Miss Kentucky 1976-77.
WHEREAS, Ms. Marsha Griffith was selected as Miss Kentucky 1976-77; and
WHEREAS, this outstanding young woman is a credit to her state, her community and her family, and has exemplified a high degree of academic excellence while a student at Morehead State University; and
WHEREAS, Ms. Griffith recently represented Kentucky in the Miss America Pagent, at which time she received special recognition for her musical talents, an award in which all Kentuckians took great pride;
NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Ms. Marsha Griffith be given the privilege of the floor this day and be allowed to address the House of Representatives for a period of three (3) minutes.

Section 2. That the clerk of the House be directed to send a copy of this resolution to Ms. Marsha Griffith.

Agreed.

Representative Brinkley moved that the rules be suspended to adopt Legislative Citations. Agreed.

Representative Brinkley moved the adoption of the following Legislative Citation No. 65:

The House of Representatives of the Commonwealth of Kentucky hereby extends greetings and salutations to Yaniv Kimchi, an Israeli student, and welcomes him to this meeting of the 1976 Kentucky General Assembly. This body officially extends the hospitality of all Kentuckians and wishes Yaniv Kimchi a most enjoyable and rewarding stay in this great Commonwealth. (Sponsored by Representative William G. Kenton, Speaker of the House)

Agreed.

Representative Brinkley moved the adoption of the following Legislative Citation No. 66:

The House of Representatives of the Commonwealth of Kentucky hereby extends greetings and salutations to Miri Zalk, an Israeli student, and welcomes her to this meeting of the 1976 Kentucky General Assembly. This body officially extends the hospitality of all Kentuckians and wishes Miri Zalk a most enjoyable and rewarding stay in this great Commonwealth. (Sponsored by Representative William G. Kenton, Speaker of the House)

Agreed.

**SB 61** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Vincent moved that **SB 61** be passed.

On the roll call the vote was yeas 68-Ackerson, B. Adams, W. Allen, Arnold, Benson, Beshear, Bevins, Blume, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Freeman, Givhan, Gray, Guenthner, Head, Holbrook Hopkins, Hughes, Hurst, Imes, Isler, Jones, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McGill, Morris, Muncy, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Siemens, Siler, Stephens, Tobin, J. Turner, Vincent, Wells, Wible, Wright, Yates. Nays 10-Bendl, Blandford, Fitzgerald, Hancock, Hardwick, McBee, McBride, Priddy, Schmidt, Wooden.

**SB 61** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 61** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 142** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**SB 142** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 142** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 154** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved that **SB 154** be passed.

Representative Arnold moved the adoption of the following Floor Amendment No. 1 to **SB 154:**

Amend printed copy of Senate Bill 154, on page 3, line 26, by inserting after line 26 the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

The legislative body of any city of the fourth or fifth class may unify and merge all or any portion of the duties and responsibilities of the police department and the fire department and their officers into a single department. This authority is granted notwithstanding any existing statutes applicable only to a police department and its officers or to a fire department and its officers. The provisions of KRS Chapter 95 relating jointly to police and firemen, including but not limited to appointment, discipline and retirement, shall continue to apply."

Representative Dietz challenged Floor Amendment No. 1 to **SB 154.**

The Speaker ruled Floor Amendment No. 1 to **SB 154** is the same as **HB 812.**

Floor Amendment No. 1 to **SB 154** was ruled out of order.

On the roll call the vote was yeas 79-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Freeman, Gay, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Denham.

**SB 154** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 154** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 136** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved that **SB 136** be passed.

On the roll call the vote was yeas 73-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Crupper, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 5-W. Allen, Denham, Floyd, Muncy, Thomas.

**SB 136** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 136** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **SB 253** be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 179** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 179** be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden. Nays 3-Floyd, Kleier, Tobin.

**SB 179** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 179** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 156** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wooden. Nays 2-Clarke, Dawahare.

**SB 156** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 156** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Donnermeyer filed Floor Amendment No. 4 to **SB 157.**

**SB 197,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **SB 197.** Agreed.

Representative B. Richardson moved the adoption of the Floor Amendment No. 1 to **SB 197:**

Amend printed copy of Senate Bill 197, on pages 1 to 34, by deleting same;

and on page 35, lines 1 to 23 by deleting same and by renumbering all subsequent sections to conform.

Agreed.

Representative B. Richardson moved that **SB 197,** as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, A. S. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden, Wright. Nays 0.

**SB 197,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 197,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 230** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that **SB 230** be passed.

On the roll call the vote was yeas 82-Ackerson, B. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 230** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 230** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 241** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 241** be passed.

On the roll call the vote was yeas 79-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Freeman, Gay, Givhan, Gray, Hancock, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Ackerson, Bevins, Crupper, Kleier, Nett, Thomas.

**SB 241** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 241** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 558, HB 102, HB 565, HB 663,** HB 838, **HB 37, HB 466, HB 842, HB 758, HB 764, HB 806, HB 709, HB 368, SB 262, SB 213, SB 191, SB 185, SB 148, SB 220, SB 346, SB 339, SB 342, SB 264, SB 329, SB 32, SB 299, SB 296, SB 263, SB 316, SB 244, SB 187, SB 344,** SB 356, **SB 337, SB 363, SB 258, SB 307, SB 320, SB 214, SB 224, SB 357,** SB 243, **SB 279, SB 166, SB 96, SB 355, SR 49, SR 11, SR 1, SB 274, SB 364, SB 367, SB 173, SB 176, SB 261, SB 298, SB 275, SB 193, SB 266, SB 358, SB 352, SB 268, SB 242, SB 195, SB 269, SB 186, SB 216, SB 290, SB 267,** and **SB 174** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 558, HB 102, HB 565, HB 663, HB 838, HB 37, HB 466, HB 842, HB 758, HB 764, HB 806, HB 709,** and **HB 368** delivered to the Senate, signed by President, ordered delivered to the Governor.

### Orders of the Day

Representative DeFalaise filed Floor Amendment No. 5 to **SB 157.**

Representative LeMaster filed Floor Amendment No. 2 to **SB 168.**

**SB 254,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **SB 254.** Agreed.

Representative B. Richardson moved that **SB 254,** by way of Committee Substitue, be passed.

Representative Schmidt moved that the rules be suspended to offer a floor amendment not filed pursuant to the rules.

On the roll call the vote was yeas 28-Ackerson, W. Allen, Benson, Blythe, Boatwright, Burnette, Clapp, Clarke, Cooper, Crupper, DeFalaise, Denham, Gray, Guenthner, Holbrook, Holloway, Hopkins, Imes, Muncy, Overstreet, Pearl, Rattliff, Robinson, Schmidt, Siemens, Siler, Wible, Wooden. Nays 37-J. Allen, Bendl, Bennett, Bevins, Blandford, Blume. Brown, Bruce, Craddock, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Hancock, Head, Hughes, Jones, Kidd, Kleier, LeMaster, Mann, May, McBee, McBride, Morgan, Morris, Nett, O'Brien, Richards, B. Richardson, Sale, Stewart, Tobin, J. Turner, Wells, White.

The motion that the rules be suspended was rejected.

On the roll call the vote was yeas 66-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Hancock, Head, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, Mann, May, Maynard, McBee, McBride, Morgan, Morris, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, Sale, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Wells, Wible, Wooden, Yates. Nays 21-W. Allen, Blair, Boatwright, Cooper, Floyd, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hurst, Kidd, Lindsay, Muncy, Overstreet, Robinson, Schmidt, Siler, White, Wright.

**SB 254,** by way of Committee Substitute, was passed.

Representative B. Richardson moved the adoption of the following Title Amendment to **SB 254:**

Amend printed copy of Committee Substitute for Senate Bill 254 by amending the title to read as follows:

"AN ACT relating to political contributions from income taxes paid."

Agreed.

Representative B. Richardson moved that the vote by which **SB 254,** by way of Committee Substitute as amended was passed, be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 270** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cooper, Crupper, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Hancock, Hardwick, Head, Holloway, Hopkins, Imes, Isler, Jones, King, Lindsay, Little, Mann, May, Maynard, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 0.

**SB 270** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 270** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 283** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65-B. Adams, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Crupper, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Overstreet, Rattliff, B. Richardson, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, Wible, Wright, Yates. Nays 11-W. Allen, Beshear, Blythe, Clarke, Cooper, DeMarcus, Denham, Head, Pearl, Siler, White.

**SB 283** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 283** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 168** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved that the rules be suspended to offer a floor amendment not filed pursuant to the rules.

On the roll call the vote was yeas 56-Ackerson, B. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Blume, Burnette, Carpenter, Clapp, Clarke, Cooper, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Givhan, Gray, Holbrook, Hurst, Imes, Isler, Jones, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Pearl, Rattliff, Robinson, Romines, Siemens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-B. Richardson.

The motion that the rules be suspended was adopted.

Representative LeMaster moved the adoption of the following Floor Amendment No. 2 to **SB 168:**

Amend printed copy of Senate Bill 168, on page 7, by deleting lines 24, 25 and 26 in their entirety and substituting in lieu thereof the following:

"*Local legislative bodies shall not exercise the power of eminent domain to acquire scenic easements.*

"*Nothing contained in this chapter shall prevent the use of eminent domain to acquire all other interests or rights in real property.*

"*A scenic easement will terminate when eminent domain is used to acquire property covered by the scenic easement agreement.*"

Agreed.

Representative Clapp moved the adoption of the following Floor Amendment No. 1 to **SB 168:**

Amend printed copy of Senate Bill 168, on page 8, following line 4, by adding the following:

"SECTION 12. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

Nothing contained in this act shall prohibit construction of improvements for agricultural purposes, flood control, control of soil erosion, or drainage of land."

Agreed.

Representative LeMaster moved that **SB 168,** as amended, be passed.

On the roll call the vote was yeas 61-Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Muncy, Nett, O'Brien, Overstreet, Richards, Robinson, Romines, Sale Schmidt, Siemens, Siler, Stephens, Vincent, Wible, Wooden, Wright, Yates. Nays 16-B. Adams, J. Allen, W. Allen, Blandford, Blythe, Boatwright, Bruce, Burnette, Doss, Gray, Hancock, Imes, Morris, Pearl, Stewart, J. Turner.

**SB 168,** as amended, was passed and the title agreed to.

Representative Wells moved that the vote by which **SB 168,** as amended, was passed be rconsidered and said motion be postponed indefinitely. Agreed.

### Recess

Representative Wells moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Orders of the Day (continued)

**SB 271** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Mann, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 8-W. Allen, Deskins, Jones, Little, Mason, Nett, Overstreet, Rattliff.

**SB 271** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 271** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 295** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that **SB 295** be laid on the table.

On the roll call the vote was yeas 44-Ackerson, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blair, Boatwright, Burnette, Cooper, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Doss, Fitzgerald, Floyd, Freeman, Gay, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Hurst, Kleier, LeMaster, Little, Mason, May, McGill, Muncy, Nett, Overstreet, Rattliff, Romines, Siler, Stewart, Tobin, J. Turner, White, Wright, Yates. Nays 39-B. Adams, Bevins, Blandford, Blume, Blythe, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, DeFalaise, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Imes, Isler, Jones, Kenton, King, Lindsay, Mann, McBee, McBride, Morgan, O'Brien, Pearl, Richards, B. Richardson, Robinson, Sale, Stephens, Vincent, Wells, Wible.

**SB 295** was tabled.

**SB 327** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved the adoption of the following Floor Amendment No. 1 to **SB 327:**

Amend printed copy of Senate Bill 327, on page 3, line 25 after the word "label." insert the following:

Section 3. KRS 120.055 is amended to read as follows:

Any candidate for nomination to office at a primary election held under the provisions of KRS 118.015 to 118.035 and 118.105 to 118.255, *or any candidate for nomination to a city office at a primary election for which the statutes do not otherwise provide for determining contest elections,* for whom a number of votes was cast equal to not less than fifty percent (50%) of the votes cast for the successful candidate for nomination to such office, may contest the right of the successful candidate, and of any other candidate for nomination to such office, to such nomination, by filing a petition in the circuit court within fifteen (15) days from the day of the primary election, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in ten (10) days. In the case of candidates for offices for the state at large, the petition shall be filed in the Franklin Circuit Court; in the case of other candidates it shall be filed in the circuit court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his home with a member of his family over sixteen (16) years of age, or by posting a copy on the door of his residence. The contestee shall file his answer within ten (10) days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds must be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 120.095, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five (5) days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trail of the cause within five (5) days after the issue was joined. In circuit court districts having more than one (1) circuit judge the judge who shall hear the cause shall be determined by lot.

On the roll call the vote was yeas 51-Ackerson, J. Allen, W. Allen, Bendl, Bennett, Blair, Blume, Blythe, Burnette, Clapp, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Dunn, Floyd, Foster, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Isler, Kidd, King, Kleier, Little, Mann, McBride, McGill, Morris, Muncy, O'Brien, Overstreet, Pearl, Romines, Schmidt, Siler, Stewart, Thomas, J. Turner, White, Wright,. Nays 22-B. Adams, Arnold, Beshear, Bevins, Blandford, Craddock, Fitzgerald, Gay, Hancock, Imes, Jones, LeMaster, Mason, May, Nett, Richards, B. Richardson, Stephens, Tobin, Vincent, Wells, Wible.

The Floor Amendment No. 1 to **SB 327** was adopted.

Representative B. Richardson moved that **SB 327**, as amended, be passed.

On the roll call the vote was yeas 82-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Vincent, Wells, Wible, Wright. Nays 7-Ackerson, B. Adams, DeFalaise, Holbrook, Nett, Rattliff, Schmidt.

**SB 327**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 327**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 354** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Benson, Bevins, Blume, Boatwright, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Foster, Givhan, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, McBride, Muncy, O'Brien, Pearl, Richards, B. Richardson, Romines, Sale, Schmidt, Siler, Stephens, Stewart, J. Turner, Wells, White, Wible. Nays 28-Bendl, Beshear, Blair, Blandford, Blythe, Bruce, Burnette, Doss, Fitzgerald, Floyd, Freeman, Gay, Gray, Imes, Kleier, Mann, McBee, McGill, Morris, Nett, Overstreet, Priddy, Rattliff, Siemens, Tobin, Thomas, Wooden, Wright.

**SB 354** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 354** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 359** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 359.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 2 to **SB 359.**

On the roll call the vote was yeas 38-Bendl, Bennett, Benson, Beshear, Blandford, Blume, Clapp, Clarke, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Gray, Hancock, Hurst, Isler, Kenton, Kidd, Kleier, Lindsay, Mann, May, McBee, McBride, McGill, Richards, B. Richardson, Siemens, Stephens, Stewart, Tobin, Thomas, J. Turner, Wells, Wible, Wooden, Yates. Nays 48-Ackerson, B. Adams, A. S. Adams, W. Allen, Bevins, Blair, Boatwright, Brinkley, Bruce, Burnette, Cooper, Craddock, Dawahare, DeFalaise, DeMarcus, Denham, Doss, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Imes, Jones, King, LeMaster, Mason, Morris, Muncy, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Robinson, Romines, Sale, Schmidt, Siler, Vincent, Wright.

The Committee Amendment No. 2 to **SB 359** was rejected.

Representative B. Richardson moved that **SB 359,** as amended be passed.

Representative DeMarcus moved the adoption of the Floor Amendment No. 1 to **SB 359:**

Amend printed copy of Senate Bill 359, on page 33, after line 22, by inserting the following:

## "PART TWO

Section 1. KRS 7.090 is amended to read as follows:

(1) There is hereby created a legislative research commission composed of the president pro tem of the senate, the assistant president pro tem of the senate, the speaker of the house of representatives, the speaker pro tempore of the house of representatives, the majority and minority floor leaders of the senate and the house of representatives, the majority and minority party whip of the senate, the majority and minority party whip of the house, and the majority and minority caucus chairmen of the senate and house of representatives. Any vacancy in the commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the house of representatives then the successor shall be from the house, and if the vacancy is from the senate membership of the commission then the successor shall be from the senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. *A chairman and vice-chairman shall be elected from the commission membership by a vote of the commission at its regular meeting in April, 1976. The chairman and vice-chairman shall serve until the regular January meeting in 1978 at which time the commission chairman and vice-chairman shall be elected to serve for regular, two-year terms commencing with the initial commission meeting in even numbered years. The vice-chairman shall preside at commission meetings and shall assume the duties of the chairman whenever a vacancy occurs in the chairmanship.* [The president pro tem of the senate and the speaker of the house of representatives shall serve as co-chairmen of the commission.]

(2) The legislative research commission shall meet during regular and special sessions of the general assembly, and during the intervals between sessions at such times and places as the *chairman* [co-chairmen] may determine. Meetings of the Commission shall be called by the *chairman* [co-chairmen] on *his* [their] own initiative, or at the written request of any three (3) members of the commission. For attending meetings between sessions, whether regular or special, of the general assembly, the members of the commission, or any subcomittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars ($25.00) per day except as provided in KRS 6.225.

(3) The commission shall appoint a director, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold

office at the pleasure of the commission. The salary of the director shall be determined by the commission. The Commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.

(4) Any professional, clerical or other employes required by any committee appointed by the general assembly shall be provided to the committee by the legislative research commission. The chairman of the committee shall advise the director of the legislative research commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the legislative research commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

(7) The legislative research commission shall constitute administrative offices for the general assembly and the director shall serve as administrative officer for the assembly when it is not otherwise in session.

Section 2. Whereas, the commission will meet soon after the general assembly adjourns *sine die*, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor."

On the roll call the vote was yeas 15-Ackerson, W. Allen, Blair, Blythe, DeFalaise, DeMarcus, Guenthner, Hardwick, Holloway, Hopkins, Muncy, Overstreet, Rattliff, Robinson, Schmidt. Nays 63-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morris, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, Siemens, Stephens, Stewart, J. Turner, Vincent, Wible, Wooden, Wright, Yates.

Floor Amendment No. 1 to **SB 359** was rejected.

On the roll call the vote was yeas 92-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 359,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 359** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kleier filed Floor Amendment No. 1 and Title Amendment to **HB 80.**

**SB 362,** with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **SB 362.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to the House Committee Substitute for **SB 362:**

Amend printed copy of House Committee Substitute for Senate Bill 362, on page 2, line 13, after the word "*wharves*" add the words "*, grain handling*".

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 4 to the House Committee Substitute for **SB 362:**

Amend printed copy of House Committee Substitute for Senate Bill 362, on page 13, after line 21, by adding the following:

"Section 9. KRS 155.080 is amended to read as follows:

(1) Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

(2) Except for short term loans which members may make at their discretion, each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(a) All loan limits shall be established at the thousand-dollar ($1000) amount nearest to the amount computed in accordance with the provisions of this section.

(b) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed *twenty (20)* [ten (10)] times the amount then paid in on the outstanding capital stock of the corporation.

(c) The total amount outstanding on loan to the corporation made by any member at any one (1) time when added to the amount of the investment in the capital stock of the corporation then held by such member shall not exceed:

[1. Twenty percent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned;]

[2.] The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the commissioner of insurance; two per cent (2%) of the capital and surplus of commercial banks and trust companies; one per cent (1%) of the total outstanding loans made by a building and loan association; Provided, however, That any business development corporation created pursuant to this section 155.010 and 155.090 may in its articles of incorporation, or by appropriate amendment thereto provide that the loan limit of a building and loan association member shall be only one-half of one per cent (.5%) of the total outstanding loans made by such building and loan association member; one per cent (1%) of the capital and unassigned surplus of stock insurance companies except fire insurance writing companies; one per cent (1%) of the unassigned surplus of mutual insurance companies, except fire insurance writing companies; one-tenth of one per cent (.1%) of the assets of fire insurance writing companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

Section 10. KRS 155.180 is amended to read as follows:

The period of duration of a corporation organized under this chapter shall be *perpetual* [fifty (50) years]
."

Agreed.

Representative B. Richardson moved that **SB 362,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 86-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**SB 362,** by way of Committee Substitute as amended, was passed.

Representative B. Richardson moved the adoption of the following Title Amendment to the House Committee Substitute for **SB 362.**

Amend printed copy of House Committee Substitute for Senate Bill 362, on page 1, the title by deleting same and inserting in lieu thereof:

"AN ACT relating to the financing of industrial projects."

Agreed.

Representative B. Richardson moved that the vote by which **SB 362** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SJR 13** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Bruce, Burnette, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Priddy, Richards, Romines, Sale, Siemens, Siler, Stewart, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden, Wright. Nays 6-Ackerson, W. Allen, Brown, DeMarcus, Denham, Pearl.

**SJR 13** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SJR 13** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SJR 41** taken from Orders of the Day and ordered read at length for the third time. Representive B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright. Nays 0.

**SJR 41** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SJR 41** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 56** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **SB 56** be passed.

On the roll call the vote was yeas 58-Ackerson, B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Brinkley, Bruce, Clapp, Clarke, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, King, Kleier, Lindsay, Mann, Maynard, McBee, McBride, McGill, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, Wible, Wooden, Wright. Nays 27-A. S. Adams, J. Allen, W. Allen, Bennett, Blair, Blythe, Boatwright, Brown, Burnette, Cooper, Craddock, Cyrus, Denham, Deskins, Fitzgerald, Guenthner, Holbrook, Imes, LeMaster, Little, Muncy, Robinson, Romines, Siler, Stewart, J. Turner, Yates.

**SB 56** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 56** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

**SB 146,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that the Committee Amendment to **SB 146** be passed over. Agreed.

Representative DeFalaise moved the adoption of the following Floor Amendment No.3 to **SB 146:**

Amend printed copy of Senate Bill 146, page 3, after line 11, by adding the following:

"Section 2. KRS 342.320 is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an amount equal to 20 per cent of the first $25,000.00, 15 percent of the next $10,000.00 and 5 percent of the remainder of the amount recovered as actuarily determined on past and future benefits according to the American Experience Table of Mortality and the Remarriage Tables of the Dutch Royal Insurance Institute. [In no case shall the fee exceed $6,500.00.] Provided, however, the board, in making an allowance of attorney fees, shall in each case examine the record to ascertain the extent of the services rendered, and fix a reasonable fee for the services rendered, not to exceed the maximum authorized by this section. The board may reduce the attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation of employment. Any award made to a claimant in a nonresisted claim as established under the provisions of KRS 342.316(2)(b) paragraph 5 shall result in an award of an attorney fee not exceeding $750.00.

(2) No attorney's fee in any case involving benefits under this chapter shall be paid until the fee is approved by the board, and any contract for the payment of attorney's fees otherwise than as provided in this section shall be void. The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

(3) The General Assembly declares that by the enactment of subsections (2)(b) and (7) of KRS 342.316, it is the legislative intent to encourage settlement and prompt administrative handling of such claims and thereby reduce expenses to claimants for compensation under the provisions of KRS 342.316, and the board shall give due regard to such legislative intent in the handling of uncontested claims and the allowance of attorney's fees therein.

(4) The board shall approve any contract between attorney and client if the limits on fees enumerated *in subsection (1)* [below] are followed. [:]

[(a) When the claim is uncontested under the provisions of KRS 342.316(2)(b), paragraph (5), the attorney fee shall not exceed an amount equal to $750.00.

(b) In all other claims, the fee of the attorney shall not exceed a sum equal to 20 percent of the amount recovered, or $5000.00, whichever is less.

(c) When an order or award is appealed to the Court of Appeals, the attorney fee shall not exceed 20 percent of the amount recovered, or $6000.00, whichever is less.]"

On the roll call the vote was yeas 4-W. Allen, DeFalaise, Lindsay, Schmidt. Nays 71-A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Little, Mann, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, Robinson, Sale, Siemens, Siler, Stephens, Stewart, Tobin, Thomas, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates.

Floor Amendment No. 3 to **SB 146** was rejected.

Representative Gray moved the adoption of the following Floor Amendment No. 1 to **SB 146:**

Amend printed copy of Senate Bill 146, on page 3, after line 11, by adding the following:

"Section 2. KRS 342.186 is amended to read as follows:

*(1)* An employer shall notify any employe who has received an injury or illness of the statute of limitations applicable to the injury or illness, not later than thirty days prior to the expiration date.

*(2) Notwithstanding the provisons set out in subsection (1), the workmen's compensation board shall notify any employe who has received an injury or illness of the statute of limitations applicable to the injury or illness, not later than thirty days prior to the expiration date.*

*(3) In the event that an employer fails to notify the board as required in KRS 342.330, the statute of limitations shall not apply.*

On the roll call the vote was yeas 26-J. Allen, Bendl, Bennett, Blandford, Brinkley, Cooper, Cyrus, Dawahare, Deskins, Dietz, Doss, Fitzgerald, Gray, Head, Kenton, Kleier, Lindsay, Little, Maynard, Muncy, Overstreet, Rattliff, Romines, Siler, Wible, Yates. Nays 43-B. Adams, W. Allen, Benson, Bevins, Blair, Blume, Blythe, Clapp, Clarke, Craddock, Denham, Donnermeyer, Foster, Givhan, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, LeMaster, Mann, May, McBee, McBride, Nett, O'Brien, Pearl, Richards, B. Richardson, Robinson, Sale, Schmidt, Stephens, Tobin, J. Turner, Vincent, White, Wright.

Floor Amendment No. 1 to **SB 146** was rejected.

On the roll call the vote was yeas 66-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Brinkley, Brown, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Gray, Hardwick, Head, Hughes, Hurst, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, May, Maynard, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Siler, Thomas, J. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 14-Blair, Blythe, Denham, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Imes, Mann, McBee, Stephens, Vincent, White.

**SB 146** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 146** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 157** be recommitted to the Committee on Education.

On the roll call the vote was yeas 37-B. Adams, A. S. Adams, Arnold, Bevins, Blair, Boatwright, Brinkley, Brown, Burnette, Carpenter, Cooper, Craddock, Denham, Floyd, Foster, Guenthner, Head, Holbrook, Hopkins, Hughes, Hurst, Jones, King, Kleier, LeMaster, May, Nett, Rattliff, Richards, B. Richardson, Robinson, Sale, Stephens, Tobin, J. Turner, Vincent, Wells. Nays 49-Ackerson, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Clarke, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Hancock, Hardwick, Imes, Isler, Kenton, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, Romines, Siemens, Siler, Stewart, Thomas, White, Wible, Wooden, Wright, Yates.

The motion that **SB 157** be recommitted to the Committee on Education was rejected.

**SB 253** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 253:**

Amend printed copy of Senate Bill 253, on page 1, line 3, after the word "except" by adding a " [";

and on page 1, line 7 after the words "Commission or" by adding a "]";

and on page 1, line 8 after the word "force" by adding the words "*or an official with written authorization from the head of a department*";

and on page 2, lines 1 and 2 by placing " [ ]" around the words "and bearing";

and on page 2, line 7 after the word "by" by adding the words "*a member of a sheriff's department authorized by the fiscal court to operate a radio communications system that is licensed by*";

and on page 2, line 9 after the word "from" by adding a "]";

and on page 3, lines 9 and 10 by deleting same;

and on page 3, at the end by adding the following:

"(5) The Commissioner of the Executive Department for Finance and Administration is hereby empowered by issuance of a Commissioner's Order to exempt from the prohibitions and penalties of this section the possession and use of any and all radio communication equipment that he finds is necessary to be owned and used by members of the general public and other non-police persons for utilization in the N.O.A.A. Weather Radio System."

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **SB 253:**

Amend printed copy of Senate Bill 253, on page 3, line 10 following the word "*residence*", by deleting "." and inserting in lieu thereof ";";

and on page 3, following line 10, by inserting the following:

"*(c) A commercial or educational radio or television station, licensed by the Federal Communications Commission, at its place of business.*"

Agreed.

Representative B. Richardson moved that **SB 253,** as amended, be passed.

On the roll call the vote was yeas 73-B. Adams, Arnold, Bendl, Bennett, Benson, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, May, McBee, McBride, McGill, Morgan, Morris, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Thomas, J. Turner, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 7-Ackerson, W. Allen, Beshear, Brown, DeFalaise, DeMarcus, Denham.

**SB 253,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 253,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended to make a motion. Agreed.

Representative Deskins moved that **SB 295** be taken from the table and placed in Orders of the Day.

On the roll call the vote was yeas 54-B. Adams, J. Allen, Arnold, Bennett, Bevins, Blandford, Brinkley, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Hardwick, Head, Hughes, Isler, Jones, Kenton, King, LeMaster, Little, Mann, May, Maynard, McBee, Morgan, Morris, O'Brien, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, J. Turner, Vincent, Wells, White, Wible. Nays 13-W. Allen, Bendl, Brown, Cooper, Gray, Guenthner, Holbrook, Holloway, Hopkins, Nett, Overstreet, Wooden, Wright.

The motion that **SB 295** be taken from the table and placed in Orders of the Day was adopted.

**SB 295** taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected.

On the roll call the vote was yeas 62-B. Adams, A. S. Adams, J. Allen, Arnold, Bennett, Bevins, Blandford, Blume, Blythe, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Hardwick, Head, Hughes, Hurst, Imes, Isler, Jones, King, Kleier, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, Morgan, Morris, Muncy, O'Brien, Pearl, B. Richardson, Robinson, Romines, Sale, Schmidt, Stephens, Thomas, J. Turner, Vincent, Wells, White, Wible, Yates. Nays 19-Ackerson, W. Allen, Bendl, Beshear, Brown, Cooper, Cyrus, Dawahare, Doss, Floyd, Guenthner, Holbrook, Holloway, Hopkins, Kenton, Overstreet, Rattliff, Wooden, Wright.

**SB 295** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 295** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

Announcing passage of **HB 207** with Amendment, **HR 75, HB 763, HB 547,** HB 713, **HB 816, HB 643, HB 247, HB 822, HB 778, HB 629, HB 292, HR 50, HR 100, HB 648, HB 761, HR 60, HR 61, HR 73, HB 459, HB 246, HB 750, HB 740,** HB 799, **HB 645, HB 813, HB 697, HB 759, HB 322, HB 765, HB 760, HB 737,** HB 647, **HB 783, HB 651, HB 809, HB 369, HB 579** with Amendment, **HB 706** with Amendment, **HB 35** with Committee Substitute and Title Amendment, **HB 644** with Amendment, **HB 11** with Amendment, **HB 521** with Amendment, **HB 20** with Amendment, **HB 321** with Amendment, **HB 4** with Amendment.

## Orders of the Day (continued)

Representative Wible moved that the House adjourn until 10:00 a.m., Friday, March 19, 1976.

On the roll call the vote was yeas 36-Ackerson, A. S. Adams, Arnold, Bendl, Benson, Blythe, Brown, Carpenter, Craddock, DeMarcus, Dietz, Fitzgerald, Floyd, Foster, Hopkins, Jones, King, Kleier, LeMaster, Mann, Mason, McBee, McGill, Morris, Muncy, Rattliff, Sale, Siemens, Siler, Stephens, Tobin, Thomas, Wells, White, Wible, Wooden. Nays 50-B. Adams, J. Allen, W. Allen, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Burnette, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Givhan, Gray, Guenthner, Hardwick, Head, Holloway, Hughes, Imes, Isler, Kenton, Lindsay, Little, May, Maynard, McBride, Morgan, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Romines, Schmidt, J. Turner, Vincent, Wright, Yates.

The motion to adjourn was rejected.

Representative Clapp moved that the rules be suspended for the purpose of consideration of **SB 30** with Committee Amendment and Title Amendment only.

On the roll call the vote was yeas 54-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bennett, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Little, Mason, May, Maynard, Morgan, Nett, O'Brien, Overstreet. Pearl, Rattliff, Richards, Robinson, Romines, Sale, Schmidt, Vincent, Wells, Wright, Yates. Nays 24-Bendl. Benson, Beshear, Blume, Blythe, Brown, Clarke, Craddock, Cyrus, DeMarcus, Fitzgerald, Hopkins, Kenton, King, LeMaster, Mann, McBride, McGill, B. Richardson, Siemens, Tobin, J. Turner, Wible, Wooden.

The motion that the rules be suspended for the purpose of consideration of **SB 30** with Committee Amendment and Title Amendment only was adopted.

**SB 30,** with Committee Amendment and Title Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved the adoption of the Committee Amendment to **SB 30.**

The Chair ruled the Committee Amendment out of order since the content was the same as **HJR 7.**

Representative Clapp moved that all rules of the House be suspended for today only.

Representative King moved that the House adjourn until 10:00 a.m., March 19, 1976.

On the roll call the vote was yeas 39-Ackerson, A. S. Adams, Bendl, Benson, Blume, Blythe, Brown, Carpenter, Craddock, Cyrus, DeMarcus, Denham, Dietz, Fitzgerald, Floyd, Givhan, Hancock, Hopkins, Jones, King, Kleier, LeMaster, Mann, Mason, McBee, McBride, McGill, Muncy, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden. Nays 49-B. Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Clapp, Clarke, Dawahare, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Foster, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kenton, Lindsay, Little, May, Maynard, Morgan, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, Robinson, Romines, Schmidt, Vincent, Wright, Yates.

The motion to adjourn was rejected.

Representative Blythe moved that the time for adjournment be set for 7:50 p.m., March 18, 1976.

On the roll call the vote was yeas 33-Ackerson, A. S. Adams, Bendl, Benson, Blythe, Brown, Craddock, Cyrus, DeMarcus, Fitzgerald, Floyd, Givhan, Hancock, Hopkins, King, Kleier, LeMaster, Mann, Mason, McBee, Muncy, B. Richardson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden. Nays 51-B. Adams, J. Allen, W. Allen, Bennett, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Dawahare, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Foster, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Lindsay, May, Maynard, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Rattliff, Richards, Robinson, Romines, Schmidt. Vincent, Wright, Yates.

The motion that the time for adjournment be set for 7:50 p.m., March 18, 1976 was rejected.

Representative Clapp moved that the rules be suspended to consider **SB 30,** with the Committee Amendment and Title Amendment attached thereto, notwithstanding Mason's Rules on consideration of identical questions, all other rules being retained.

Representative B. Richardson moved that the House adjourn until 10:00 a.m., Friday, March 19, 1976.

On the roll call the vote was yeas 45-Ackerson, A. S. Adams, Bendl, Benson, Blume, Blythe, Brown, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeMarcus, Denham, Dietz, Fitzgerald, Floyd, Givhan, Hancock, Hopkins, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morris, Muncy, Pearl, Rattliff,

B. Richardson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Wells, White, Wible, Wooden. Nays 42-J. Allen, W. Allen, Bennett, Beshear, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Dawahare, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Foster, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Lindsay, May, Maynard, Morgan, Nett, O'Brien, Overstreet, Richards, Robinson, Romines, Schmidt, Vincent, Wright, Yates.

The motion to adjourn was adopted.

## FRIDAY, MARCH 19, 1976

## FIFTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Dr. Robert Laughlin, First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives R. A. Turner and Gay.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 18, 1976, be dispensed with and the same approved. Agreed.

### Senate Message

Announcing passage of **HB 815** with Amendment, **HB 179** with Amendment, **HB 696** with Amendment, **HB 87** with Committee Substitute and Amendments, **HB 568** with Committee Substitute and Amendments, **HB 602** with Amendment, **HB 677** with Committee Substitute, **HB 496** with Amendment, **HB 366, HB 98, HB 625** with Committee Substitute, **HB 371** with Amendment, **HB 436** with Amendment, **HB 437, HB 476, HB 665, HB 117, HB 285, HB 802, HB 755, HB 315, HB 646, HB 733, HB 626, HB 73, HB 201, HB 349** with Amendment, **HB 660, HB 738, HB 754, HB 587** with Amendment.

### Introduction of Resolutions

**HR 131,** by Representative Vincent: A RESOLUTION commending the Honorable B. M. Vincent of Brownsville, Kentucky.

**HR 132,** by Representatives Denham and Brown: A RESOLUTION honoring the presidents of the public institutions of higher learning.

**HR 133,** by Representative Hopkins: A RESOLUTION proclaiming a "Tumblebug of the Commonwealth."

**HR 134,** by Representatives Morris and Bruce: A RESOLUTION requesting the construction and the location in the State of Kentucky of an academy for the instruction and training of persons in fire technology.

**HR 135,** by Representative Vincent: A RESOLUTION petitioning Congress to provide protection for landowners from the potential infringement on their rights by a Land Conservation and Development Commission.

**HR 136,** by Representatives B. Richardson and O'Brien: A RESOLUTION on the Model Procurement Code for state and local governmental units.

**HR 137,** by Representative Blythe: A RESOLUTION directing removal of the lighting chandeliers in the House of Representatives.

### Orders of the Day

Representative McBride rose to a point of personal privilege.

Representative McBride moved that the following remarks be spread upon the Journal:

Mr. Speaker, Ladies and Gentlemen of the House, on yesterday we were debating an amendment to the Legislative Research Commission Budget and during the debate the Gentleman from Jefferson 46 referred to the "Gentleman from Jefferson 43 and Company." According to the Governor of the Commonwealth I was, along with the Gentleman from Jefferson 43, "His Choice" to be added to the LRC—so I guess I am the "And Company" the Gentleman from Jefferson 46 had reference to. I take no particular exception to this remark—on the contrary I'm flattered by it—I can think of no other company in this House that I prefer to that of the Gentleman from Jefferson 43.

The Gentleman from Fulton 1 had some rather unkind remarks to make concerning the Leadership ability of the members that he understood were to be put on the LRC. To the effect that they had displayed no leadership for the welfare or the benefit of the people of Kentucky. I submit to you, the Gentleman from Fulton 1 mistakes an honest difference of opinion on philosophical and political issues as a lack of leadership. True enough I voted against the Busing Bills and **HB 333** but it might surprise you to know that I am also opposed to State aid to Parochial Schools. On the gentleman's leadership—when you consider the present membership and their time served in this Chamber, if you can show me one member that has done half as much toward the betterment of the individual members as the Gentleman from Jefferson 43 I'll go along with you.

For instance—have you considered why you have the convenience this session of holding your Committee meetings just outside the Chamber door as opposed to some closet on the fourth floor? Do you realize who did most of the work this session and in 1972 getting you the expense increases you so justly deserve? Oh yes, several of us had the idea—or at least liked the idea—but how many of us had the guts to get out front and work for it? Who among you know of the Gentleman's efforts to put the Kentucky General Assembly on a par with her sister states in the Council of State Governments or the National Conference of State Legislators and finally, do you realize why you—the peoples' branch of government are subjected to standing in line to use the telephone while virtually every clerk in state government has their own office and telephone. I'll tell you why—because there were some that didn't have the guts to support his efforts to spend a $100,000 to get you a phone. Speak not to me of leadership—I know the difference. I'm deeply and proudly able to say the gentleman from Jefferson 43 is my Friend. You should be as fortunate as I, for he is truly a *MAN*, among men I've known.

Insofar as my lack of personal popularity among you—it matters not. Popularity is a fleeting thing as some of you shall come to know, I know my friends and they know me—but there are some things that you as future Leaders of Kentucky should consider. On yesterday the Gentleman from Pike 94 honestly found fault with a piece of Legislation and successfully moved to table it. Subsequent to that action he received a Communication from the Governor's Office and he then found it necessary to come up here to rescind his own motion. That in itself was bad enough but worse than that was the fact that he was then subjected to joking ridicule. Jokes were made about the train running and on and on it went. What kind of image do you as Lawmakers think this creates for the Citizens of Kentucky, the visitors in the gallery, the young people—the Legislative Interns that are here studying their Government in action? I say to you, in the least not a very good one. Do you honestly think under those circumstances the people of Kentucky are wrong then—when they deny us annual sessions? I think not -

What is wrong then—should the Governor not have contacted the Gentleman from Pike 94? Is the Gentleman from Pike 94 the only pliable one amongst us? The obvious answer on both questions is an Emphatic *No.* The Governor has a right and responsibility to exercise whatever powers are within his grasp to effect the passage of his program. Insofar as the question put concerning the Gentleman from Pike, let's assume that he is susceptible to pressure from the Governor's Office. Aren't we all? Think about it. He did nothing that most of us haven't done or will do. As a matter of fact I recall an incident when the Gentleman from Casey during 1972 called every member of the House a coward. I asked then to vote as to whether or not they were cowards. You guessed it, the majority voted favorably on a roll call vote to the Gentleman from Casey's suggestion that they were cowards.

Now what's this all been for—simply this, the realization is now upon me that Legislative independence is ours for the asking. All we have to do is place independence above all else. All we have to do is something akin to that which has been done for us by others so long ago—to gain our independence all we have to do is pledge our political lives, our political fortunes and our political honor.

Mr. Speaker, Ladies and Gentlemen, I thank you for your indulgence. Now that I've had my say I guess I've not been aggrieved after all. But with your kind consideration and that of the membership I'd like to have these prepared remarks spread upon the Record.

Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 337:**

Amend printed copy of **HB 337** as follows:

On page 2, lines 6 through 10, delete those lines in their entirety and insert in lieu thereof the following:

*(4) All applicants for the examination and certification for the operation of any sewage system or portion thereof, whether publicly or privately owned, shall pay a fee of ten dollars ($10). The annual certification renewal fee shall be four dollars ($4). The fees required under this section shall be payable to the department.*

Agreed.

Representative B. Richardson moved that **HB 337,** as amended, be passed.

On the roll call the vote was yeas 70-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Burnette, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, Maynard, McBee, McGill, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 4-Crupper, Hancock, P. Richardson, Wooden.

**HB 337,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 337,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Adams filed Floor Amendment No. 7 to **SB 157.**

Representative Stephens filed Floor Amendment No. 8 and Floor Title Amendment to **SB 157.**

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 549:**

Amend printed copy of **HB 549** as follows:

Amendment 1:

On page 6, line 24, by deleting the bracket before the number "(4)"; and on

Page 7, line 3, by deleting the bracket after the semicolon; and on

Line 4, by deleting the number "*(4)*" and deleting the brackets before and after the number "(5)"; and on

Line 12, by deleting the number "*(5)*" and deleting the brackets before and after the number "(6)"; and on

Line 15, by deleting the number "*(6)*" and deleting the brackets before and after the number "(7)"; and on

Line 18, by deleting the number "*(7)*" and deleting the brackets before and after the number "(8)"; and on

Line 21, by deleting the number "*(8)*" and deleting the brackets before and after the number "(9)"; and on

Line 24, by deleting the number "*(9)*" and deleting the brackets before and after the number "(10)"; and on

Page 8, line 2, by deleting the number “*(10)*” and deleting the brackets before and after the number “(11)“; and on

Line 4, by deleting the number “*(11)*” and deleting the brackets before and after the number “(12)“; and on

Line 11, by deleting the number “*(12)*” before the word “Motor” and inserting in lieu thereof the number “*(13)*“.

Amendment 2:

On page 21, line 7, by deleting the “ [“; and on

Page 21, line 14, by deleting the “]“; and on

Page 64, lines 10-26 and Page 65, lines 1-12 by deleting same and by renumbering all subsequent sections.

Agreed.

Representative B. Richardson moved that **HB 549**, as amended, be passed.

On the roll call the vote was yeas 62-Ackerson, B. Adams. A. S. Adams, J. Allen, Bendl, Bennett, Bevins, Blair, Blandford, Blume, Brinkley, Bruce, Clapp, Craddock, Crupper, Cyrus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mason, Maynard, McBee, McBride, McGill, Morris, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Stephens, Tobin, Vincent, Wible, Wright, Yates. Nays 8-Beshear, Blythe, Carpenter, Clarke, Holloway, Mann, White, Wooden.

**HB 549**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 549**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 696:**

Amend printed copy of **HB 696** as follows:

On page 6, line 9, after the word “commissions” by adding a “ [“; and on

Page 6, line 10, after “18.130” by adding a “]“; and on

Page 6, line 12, after the word “department” by inserting a “ [” and after “18.130” by adding a “]“; and on

Page 6, line 21, after the word “directors” by inserting a “ [“; and on

Page 6, line 22, after “18.130” by adding a “]“; and on

Page 23, after line 3, by inserting:

“Section 8. KRS 18.250 is amended to read as follows:

*(1)* [As of July 1, 1960] *Except as hereinafter provided* all hiring for the classified service shall be on the basis of competitive examinations and certification by the personnel department in accordance with the provisions of KRS 18.110 to 18.360.

*(2) As of February 29, 1976, when an entity and its employes, either initially or subsequently, is brought into state service, all employes of that entity required to be covered under the classified service shall be*

*required to meet the minimum qualifications for the positions to which they are assigned and to satisfactorily complete a probationary period, except that in the discretion of the commissioner they shall not be required to take an examination. The commissioner shall equitably assign such employes to any step within the salary range of an appropriate pay grade.*"

And by renumbering all subsequent sections; and on

Page 30, after line 6, by adding a "Section 5. KRS 18.130 and KRS 150.018 are hereby repealed."

And by renumbering Section 14 to read Section 16.

Agreed.

Representative B. Richardson moved that **HB 696,** as amended, be passed.

On the roll call the vote was yeas 51-B. Adams, J. Allen, Bendl, Bennett, Bevins, Blair, Blume, Brinkley, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Hancock, Head, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, Morris, O'Brien, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Stephens, Vincent, Wells, White, Yates. Nays 28-Ackerson, W. Allen, Arnold, Beshear, Blandford, Blythe, Clarke, DeFalaise, Gray, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Imes, Muncy, Nett, Overstreet, Pearl, Priddy, Robinson, Siemens, Siler, Tobin, Thomas, Wible, Wooden, Wright.

**HB 696,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 696,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 4:**

Amend printed copy of **HB 4** as follows:

Amendment 1:

Page 19, line 4, by removing the bracket " [" before the word "determined" and placing a bracket " [" before the word "by" and by inserting after the word "determined" the words "*within the limitations of the classroom unit values and number of units stipulated in House Bill 374 of the 1976 Regular Session of the General Assembly and the provisions of* " ;

and on page 19, line 6, by removing the bracket "]" after the word "district" and placing a bracket "]" after the word "in";

and on page 19, line 6, by adding after "KRS 157.390." the following sentence: "*If funds appropriated to the public common school foundation program fund from all sources are insufficient to finance the implementation of KRS 157.390 at the classroom unit values outlined in the Appropriations Act, the value of all units will be ratably reduced.*";

and on page 49, line 23, by deleting "$300" and inserting in lieu thereof "$327";

and on page 50, line 2, by deleting "$300" and inserting in lieu thereof "$327".

Amendment 2:

page 21, lines 11 through 26;

page 22, lines 1 through 26;

page 23, lines 1 through 26;

page 24, lines 1 through 26;

page 25, lines 1 through 26;

page 26, lines 1 through 26;

page 27, lines 1 through 26;

page 28, line 1, by deleting all of Section 16 and inserting in its place the following:

Section 16. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall submit a budget *for 1977-78* which would require more revenue from local ad valorem taxes than would be produced by application of *the maximum rate that could have been levied in 1976-77, minus thirty cents (30¢),* [the preceding year's] to the *1976-77* [preceding year's] assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in *Section 6 of this Act* [subsection (3) of KRS 157.380 and as provided in subsection (4) of this section]. *In succeeding years, no district board of education shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the maximum tax rate that could have been levied in the preceding year to the preceding year's assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in Section 6 of this Act.* In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) The superintendent of public instruction shall certify to each district board of education, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of *the maximum tax* [the preceding year's] rate *that could have been levied in 1976-77, minus thirty cents (30¢),* to the *1976-77* [preceding year's] assessment. *In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the preceding year's assessment.*

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of *the maximum* [the preceding year's effective] tax rate *that could have been levied in 1976-77, minus thirty cents (30¢),* to the net assessment growth in each school district. *In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the net assessment growth in each school district.* The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

[(c) The superintendent of public instruction shall compile a list of those school districts in which the general fund ad valorem tax for the 1965-1966 school year was levied at a rate less than the $1.50 maximum then authorized by KRS 160.475. The superintendent of public instruction shall then calculate for each such district the revenue that would have been produced for the 1965-1966 school year if such tax had been levied at the $1.50 rate. He shall then re-calculate the maximum permissible local ad valorem tax revenue that would have been authorized for each such district for the 1966-1967, 1967-1968, 1968-1969 and 1969-1970 school years as though the 1965-1966 tax had been levied at the $1.50 rate, including in such re-calculation the revenue that would have been derived from taxation of net assessment growth under paragraph (b) of this subsection and the revenue that would have been derived from any percentage increases actually adopted by the district under subsection (4) of this section. The maximum permissible local ad valorem tax revenue so recalculated for the 1969-1970 school year shall, for such districts, be deemed the total amount of ad valorem tax revenue to be determined by the superintendent for the 1970-1971 school year under paragraph (a) of this subsection.]

*(c)* [(d)] The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section [, except as otherwise therein prescribed].

[(e) Any school district which is not contemplating capital construction and which is eligible for the increase allowed in paragraph (c) of this subsection may elect to take advantage of the increase in equal stages over a period of three years.]

[(4) Notwithstanding the limitations contained in subsection (2) of this section, any district board of education which in preparing its proposed budget deems that it will require an amount of revenue greater than that permitted in subsection (2) of this section may submit to the levying authority for the school years 1966-1967 and 1967-1968 a budget which could require an increase in such revenue of not more than 10 percent after compliance with the following:

(a) The district board of education shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding 10 percent is being proposed. Said advertisement shall state that the district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

(b) The district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.]

*(4)* [(5)] Three (3) copies of the budget shall be filed with the clerk of the tax-levying authority of the district within three (3) days after the district board of education has received its assessment data. The clerk shall present the budget to the proper tax-levying authority when the authority convenes to fix its school levy. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

*(5)* [(6)] Within three (3) days after the tax-levying authority has fixed the tax rate, the district board of education shall forward two (2) copies of the budget to the state board of education for its approval or disapproval. The budget shall be disapproved if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval.

*(6)* [(7)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective until approved by the state board of education.

*(7)* [(8)] Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

page 49, line 16, by deleting the amount "$300" and inserting in its place the amount "$327";

and on page 49, line 21, by deleting the amount "$300" and inserting in its place the amount "$327".

Agreed.

Representative Clarke moved that **HB 4,** as amended, be passed.

On the roll call the vote was yeas 66-Ackerson. J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blume, Blythe, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Holbrook, Holloway, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 6-Bevins, Bruce, Burnette, Hopkins, Morris, Tobin.

**HB 4,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 4,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **HR 50, HR 60, HR 61, HR 73, HR 75, HR 100, HB 246, HB 247, HB 292, HB 322, HB 369, HB 459, HB 547, HB 629, HB 643, HB 645, HB 647, HB 648, HB 697, HB 737, HB 740, HB 750, HB 651, HB 759, HB 760, HB 761, HB 763, HB 765, HB 778, HB 783, HB 799, HB 809, HB 813, HB 816, HB 822, HB 713, SB 184, SB 271, SB 61, SB 154, SB 156, SB 136, SB 142, SB 241, SB 179, SB 230, SB 270, SB 283,** and **SJR 13** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

### Recess

Representative B. Richardson moved that the House recess until 1:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 696, HB 315, HB 285, HB 201,** and **HB 476** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 696, HB 315, HB 285, HB 201,** and **HB 476** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Orders of the Day (continued)

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 432:**

**HB 432,** AN ACT relating to the Court of Appeals of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 22A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The General Assembly recognizes that matters relating to the operation of the Court of Appeals fall within the purview of the Court of Justice as provided in Sections 109 through 124 of the Constitution of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) The Court of Appeals shall consist of fourteen (14) judges, with two (2) judges from each of seven (7) Court of Appeals districts.

(2) The districts of the Court of Appeals shall correspond in geographical dimensions to the districts of the Supreme Court, as defined in KRS Chapter 21A.

SECTION 3. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in Section 110 of the Constitution, an appeal may be taken as a matter of right to the Court of Appeals from any conviction, final judgment, order, or decree in any case in circuit court, unless such conviction, final judgment, order, or decree was rendered on an appeal from a court inferior to circuit court.

(2) The Court of Appeals has jurisdiction to review interlocutory orders of the circuit court in civil cases, but only as authorized by rules promulgated by the Supreme Court.

(3) Notwithstanding any other provision in this Section, there shall be no review by appeal or by writ of certiorari from that portion of a final judgment, order or decree of a circuit court dissolving a marriage.

(4) An appeal may be taken to the Court of Appeals by the state in criminal cases from an adverse decision or ruling of the circuit court, but only under the following conditions:

(a) Such appeal shall not suspend the proceedings in the case.

(b) Such appeal shall be taken in the manner provided by the Rules of Criminal Procedure and the Rules of the Supreme Court, except that the record on appeal shall be transmitted by the clerk of the circuit court to the attorney general; and if the attorney general is satisfied that review by the Court of Appeals is important to the correct and uniform administration of the law, he may deliver the record to the clerk of the Court of Appeals within the time prescribed by the above-mentioned Rules.

(c) When an appeal is taken pursuant to this subsection, the Court of Appeals, if the record so warrants, may reverse the decision of the circuit court and order a new trial in any case in which a new trial would not constitute double jeopardy or otherwise violate any constitutional rights of the defendant.

(5) Any party aggrieved by the judgment of the circuit court in a case appealed from a court inferior thereto may petition the Court of Appeals for a writ of certiorari.

SECTION 4. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) The administrative director of the courts shall provide for such physical facilities as are available for the operation of the Court of Appeals, and may utilize the services of the executive department for finance and administration in securing such facilities.

(2) The Court of Appeals may use any public property of, or any property leased or rented to, the Commonwealth or any of its political subdivisions for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities.

(3) The Court of Appeals may use any federal courtroom or other facility for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities.

SECTION 5. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:

(1) The clerk of the Court of Appeals shall be appointed by the court to serve at its pleasure. The annual salary of the clerk shall be fixed by the Supreme Court not to exceed twenty-two thousand dollars ($22,000).

(2) Before entering upon the duties of his office, the clerk shall take the oath of office prescribed by the Constitution.

(3) The clerk shall perform such duties as the Court of Appeals may assign, and shall be bonded to the Commonwealth, for faithful performance of duty, in such manner and in an amount not less than $10,000 as the Supreme Court shall determine.

(4) The clerk may appoint assistants in the number and at the salaries fixed by the Supreme Court.

(5) The Court of Appeals shall adopt a seal. The clerk shall be the keeper of the seal and shall use it upon such documents as the Court of Appeals may require.

(6) A fee schedule for services rendered by the clerk shall be fixed by rule of the Supreme Court, except that charges to litigants for the reproduction of appellate records and briefs shall be fixed and administered by the clerk. All fees collected by the clerk shall be remitted to the state treasury.

(7) The auditor of public accounts shall audit the financial accounts of the clerk at least once every year.

SECTION 6. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:
The Court of Appeals may enforce its mandates by fine or imprisonment, or both.

SECTION 7. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:
(1) A judgment, order or decree of a lower court may be reversed, modified or set aside by the Court of Appeals for errors appearing in the record.
(2) The method of bringing a judgment, order or decree of a lower court to the Court of Appeals for review shall be established by Supreme Court rule. The procedures for appellate review shall be established by the Rules of Civil Procedure, Rules of Criminal Procedure and other rules promulgated by the Supreme Court.

SECTION 8. A NEW SECTION OF KRS CHAPTER 22A IS CREATED TO READ AS FOLLOWS:
The original or final process of the Court of Appeals may be directed to the sheriff of any county.

SECTION 9. Whereas the new constitutional provisions relating to courts became effective January 1, 1976, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Agreed.

Representative B. Richardson moved that **HB 432,** as amended, be passed.

On the roll call the vote was yeas 61-Ackerson, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blume, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, May, McBee, McGill, Morgan, Morris, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Thomas, Vincent, White, Wible, Wright, Yates. Nays 5-W. Allen, Blythe, Crupper, Hancock, P. Richardson.

**HB 432,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 432,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 521;**

Amend printed copy of **HB 521** as follows:

On page 1, line 19, by adding following said line, the following:

"Section 2. KRS 68.180 is amended to read as follows:

(1) The fiscal court of each county having a population of 300,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate or rates not to exceed one and one-fourth per cent (1 1/4%) of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. License imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No public service company that pays an ad valorem tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company, [or] combined trust, banking and title business in this state, *or any savings and loan association whether state or federally chartered,* or in other cases where the county is prohibited by law from imposing a license tax.

(2) The provisions and limitations of subsection (1) do not apply to the license fees authorized by KRS 160.482 to 160.488.

Section 3. KRS 68.197 is amended to read as follows:

(1) The fiscal court of each county having a population of 50,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate not to exceed one per cent (1%) of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. Licenses imposed for regulatory purposes are not subject to such limitations as to form and amount. No public service company that pays an ad valorem tax is required to pay a license tax, and no license tax shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, [or] combined trust, banking and title business in this state, *or any savings and loan association whether state or federally chartered,* or in other cases where the county is prohibited by law from imposing a license tax.

(2) No such license fee shall be imposed or collected on income received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training.

(3) No order or resolution of the fiscal court imposing license fees pursuant to subsection (1) of this section shall be valid until it is approved by a majority of the voters of the county at an election called by the fiscal court.

(4) The election in any county shall be held not less than fifteen (15) nor more than sixty (60) days from the time a resolution calling the election is adopted by the fiscal court. The election may be held at the same time as the regular election in November or on any Saturday at any other time in the year. The election shall be conducted and carried out in the county in all respects as required by the general election laws and shall be held by the same officers as required by the general election laws. The expense of the election if held on the regular election day in November shall be borne by the fiscal court.

Section 4. KRS 91.200 is amended to read as follows:

(1) The board of aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession and the using, holding or exhibiting of any animal, article or other thing. License fees on a business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax is required to pay a license tax and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, *any savings and loan association whether state or federally chartered* or upon income received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training, or in any other case where the city is prohibited by statute from imposing a license tax.

(2) The rate fixed on both "wages" and "net profits" shall be one and one-fourth per cent (1 1/4%).

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from the taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund is sufficient to pay the cost of administration and the interest charges for the current fiscal year of the sinking fund in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenue remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received and may be expended for general purposes or for capital improvements.

(5) The term "capital improvements" as used in this section is limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and includes but is not limited to (a) the purchase of rights of way for highways, expressways and the widening of existing streets, (b) the purchase of lands for park, recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices and fire alarm equipment, (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in KRS chapter 93.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on terms and conditions as prescribed by ordinance.

Section 5. KRS 92.300 is amended to read as follows:

(1) The legislative body of any city of the second to sixth class may by ordinance exempt manufacturing establishments from city taxation for a period not exceeding five (5) years as an inducement to their location in the city. In cities of the third class, two-thirds (2/3), of the members of the city legislative body must concur for this purpose.

(2) No city of the second to sixth class or urban county government may impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, *any savings and loan association whether state or federally chartered,* or upon income received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training.

(3) Unpaid volunteer members of fire companies in cities of the fourth class shall be exempt from city poll taxes so long as they remain active members.

Section 6. KRS 96A.320 is amended to read as follows:

(1) As used in KRS 96A.310 to 96A.370, the term "mass transportation program" shall mean the provision of necessary funds by public bodies to transit authorities created pursuant to KRS chapter 96A with which to acquire, operate and preserve mass transportation facilities.

(2) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by additional voted levies of ad valorem taxes upon all taxable property in such public body or public bodies. Such additional voted levies of ad valorem taxes upon all taxable property in any such public body shall never exceed in the aggregate the limits prescribed by the constitution of Kentucky for any such public body.

(3) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by voted levies of occupational license fees. Such voted levies of occupational license fees shall not exceed one percent (1%) of (a) salaries, wages, commissions and other compensation earned by persons for work done and services performed or rendered, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the public body, or the transit area, except public service companies, banks, trust companies, combined banks and trust companies, combined trust, banking and title companies, *any savings and loan association whether state or federally chartered,* and in all other cases where a public body is prohibited by law from imposing a license fee.

(4) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by the voted levy of an annual motor vehicle license fee with respect to each and every motor vehicle which is legally registered within either the geographical boundaries of such public body, or the transit area of such transit authority, as appropriate, such annual motor vehicle license fee not to exceed fifteen dollars ($15) in the case of any transit authority which includes in its membership a city of the first class, and seven dollars and fifty cents ($7.50) in all other cases. As used herein, the term "motor vehicle" shall have the meaning ascribed by KRS 186.010(7)(a).

Section 7. KRS 160.483 is amended to read as follows:

The license fees imposed under KRS 160.482 to 160.488 on businesses, trades, occupations, and professions shall be at a single, uniform percentage rate not to exceed one-half of one per cent (.5%) of (a) salaries, wages and commissions, and other compensations earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of all businesses, trades, occupations, and professions, for activities conducted in the county. The license fees, once imposed, shall continue from year to year until changed as prescribed in KRS 160.484. No public service company which pays an ad valorem tax is required to pay a license fee hereunder. No license fee shall be imposed upon or collected from any bank, trust company, combined bank and trust company [or] combined trust, banking and title business in this state *or any savings and loan association whether state or federally chartered.* No license tax shall be collected from any individual who is not a resident of the county of the tax-levying authority imposing the tax.

Section 8. KRS 160.605 is amended to read as follows:

There is hereby authorized the levy of an occupational license tax for schools on salaries, wages, commissions and other compensation of individuals for work done and services performed or rendered in a county and on the net profits of all businesses, professions or occupations from activities conducted in a county. No public service company which pays an ad valorem tax is required to pay an occupational license tax for schools. No occupational license tax for schools shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, [or] combined trust, banking and title business in this state *or any savings and loan association whether state or federally chartered.*"

On the roll call the vote was yeas 38-Bevins, Blandford, Blume, Brinkley, DeMarcus, Deskins, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Lindsay, Little, Mann, McBride, McGill, Morgan, Morris, O'Brien, Rattliff, Richards, B. Richardson, Schmidt, Siemens, Stephens, Thomas, Wells, Wible, Wright. Nays 32-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Benson, Beshear, Blair, Blythe, Burnette, Carpenter, Cooper, Crupper, Cyrus, Dawahare, Denham, Dietz, Floyd, Gray, Hancock, Hurst, King, LeMaster, May, Nett, Overstreet, Pearl, P. Richardson, Tobin, White, Wooden, Yates.

The House concurred in the Senate Amendment to **HB 521.**

Representative B. Richardson moved that **HB 521,** as amended, be passed.

On the roll call the vote was yeas 59-Ackerson, J. Allen, Bevins, Blandford, Blume, Boatwright, Brinkley, Cooper, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Freeman, Givhan, Gray, Guenthner, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, McBee, McBride, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Romines, Schmidt, Siemens, Stephens, J. Turner, Wells, Wible, Wright, Yates. Nays 23-B. Adams, A. S. Adams, W. Allen, Arnold, Benson, Beshear, Blair, Blythe, Brown, Burnette, Carpenter, Clarke, Crupper, Dawahare, Denham, Hancock, May, McGill, P. Richardson, Tobin, Vincent, White, Wooden.

**HB 521** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 521** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 213:**

**HB 213,** AN ACT relating to the regulation of banks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 287.020 is amended to read as follows:

(1) The commissioner may *prescribe, amend and repeal such rules, regulations, forms and orders as are necessary to interpret and carry out the provisions and intent of this chapter* [adopt rules and forms necessary and proper for the conduct of his department]. He shall devise a seal for his department, a description of which, together with an impression thereof and a certificate of approval by the governor, shall be filed in the office of the secretary of state. The seal shall be renewed whenever necessary.

(2) The commissioner of banking and securities and his deputies shall be allowed their necessary traveling and other expenses of conducting their office.

(3) The commissioner of banking and securities may prescribe, amend and appeal regulations authorizing banks or trust companies to engage in any banking activity in which such banks could engage were they operating as national banks at the time such authority is granted, provided that this subsection shall not apply to activities which are expressly prohibited or limited by the statutes of the commonwealth.

(4) Nothing herein contained shall be construed to repeal, modify or alter the restrictions of KRS 287.105 relative to the leasing of motor vehicles, or of KRS 287.180 relative to the establishment of branches.

Section 2. KRS 287.060 is amended to read as follows:

(1) Before any financial institution mentioned in KRS 287.040 may transact any banking or trust business, it shall file a written oath with the commissioner. The oath shall be taken by each director of the institution, and shall state in substance:

(a) That such director is a citizen of the United States, and the state of Kentucky, or, if not, the place of his residence;

(b) That he will faithfully discharge the duties of his office and administer the affairs of the institution, so far as the duties of his office require;

(c) That he will uphold the laws of the state, and particularly the banking laws.

(2) The oath shall be taken before any officer authorized to administer oaths, and shall be taken upon the election of any subsequent director or reelection of any director. The oath shall be transmitted to the commissioner immediately upon its execution and shall be filed and preserved by the commissioner.

*(3) The commissioner shall issue to the institution a certificate entitling it to transact the business for which it was organized after the following requirements have been met:*

*(a) The oath mentioned in subsections (1) and (2) of this section has been filed; and*

*(b) The commissioner has received satisfactory proof that the accounts of the institution's depositors will be insured by the Federal Deposit Insurance Corporation; and*

*(c) The commissioner has received satisfactory proof that the institution has subscribed and paid-in the required capital and has otherwise fully complied with all pertinent laws and regulations; and*

*(d) A period of thirty (30) days has elapsed since the rendition by the commissioner of a final order, as defined in Section 5 of this Act, and an appeal to the appropriate court has not been taken from such order.*

*(e) If an appeal from a final order of the commissioner has been timely filed, no certificate shall be issued until all the requirements of (a)—(c) of this subsection have been met and until:*

*1. The appeal has been finally disposed of by the last possible court of review, including the United States Supreme Court; or*

*2. All further opportunities for appeal have expired as a result of the failure to timely file an appeal.*

[(3) After the oath has been filed, if the commissioner is satisfied that all requisite laws have been complied with, he shall issue a certificate to the institution, setting out therein that such institution has subscribed and paid in the required capital, and otherwise fully complied with all pertinent laws and regulations. The certificate will entitle the institution to at once transact the business for which it was organized.]

Section 3. KRS 287.180 is amended to read as follows:

(1) Banks authorized under the laws of this state may, except as provided in subsection (2) of this section, exercise, only at their principal office, powers necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange and other evidences of debt, and by purchasing bonds, receiving deposits and allowing interest thereon, buying and selling exchange, coin and bullion and lending money on personal or real security.

(2) Any corporation presently or hereafter engaged in the business of banking, and meeting the requirements of this subsection, may apply to the commissioner of banking and securities for permission to establish, within the city in which its principal office is located and, subject to the limitation hereinafter imposed, within the county in which its principal office is located a branch at which all of the powers conferred in subsection (1) of this section may be exercised. Before the commissioner of banking and securities shall approve or disapprove any application made under this subsection he shall ascertain and determine that the public convenience and advantage will be served and prompted thereby and that there is reasonable probability of the successful operation of such branch. No such branch shall be authorized or approved by the commissioner unless all of the following are complied with:

(a) No such corporation having a combined capital and surplus of less than $100,000 shall be permitted to establish any branch. Any corporation applying for permission to establish a branch shall, be required to have a minimum combined capital and surplus for each branch applied for in accordance with the following table:

If the principal office is located in:

| | |
|---|---|
| 1. An unincorporated area or in a city of 7,999 population or less | $100,000 |
| 2. City with population of 8,000 to 19,999 | $200,000 |

3. City with population of 19,999 and over one branch may be authorized for every $250,000 of capital and surplus.

Said population is to be determined by the last census or any future census of the United States.

(b) No such corporation shall be permitted to establish a branch in any incorporated city, other than in the city in which its principal office is located, in which there is an existing bank. Nor shall any such corporation be permitted to establish a branch in any unincorporated area within a radius of one (1) mile of an existing bank located in such unincorporated area. As used in this subsection, an "existing bank" shall mean the principal office of a bank as distinguished from a branch thereof.

(c) The permission to open a branch shall lapse *one year after the commissioner has rendered a final order, as defined in Section 5 of this Act,* [at the end of six (6) months] unless it shall have been opened and business actually begun in good faith. *If, for reasons beyond the control of the applicant, the branch is not opened within this time period, permission to open the branch may, with the approval of the commissioner, be extended for whatever period of time he deems to be necessary.* [For reasons determined by the commissioner of banking and securities to be sufficient said permission to open a branch may, with the approval of the commissioner, be extended for one six months' period.]

(3) Any corporation which on January 1, 1966, was engaged in operating an agency or branch bank, may continue to retain and operate the same under the general banking laws, and the requirements set forth in this section in respect to capital shall not apply to any such existing agency or branch bank but only as to those agencies or branch banks which may be established in the future pursuant to the terms of this section.

(4) The provisions of this section shall not be construed to prohibit the merger of banks in the same county and the operation by the merged corporation of such banks, nor to prohibit the sale of any bank to, and the purchase thereof by, any other bank in the same county and the operation of such bank by the purchasing bank as a branch, provided the commissioner of banking and securities shall determine that the public convenience and necessity will be served by such operation, and provided further that, at the time of

such merger or purchase, each of the banks involved shall have been in operation for a period of five (5) years or more.

(5) Any national banking association or any state bank member of the federal reserve system whose principal office is located in this state is hereby authorized to do all things and perform all acts which state banks are permitted to do or perform under this section, subject to the conditions and restrictions provided for banks as to exercise of such powers.

(6) When a branch or agency bank has once been established any operation thereof shall not be discontinued, and said branch or agency bank shall not be closed until after ninety (90) days notice in writing to the commissioner. In the discretion of the commissioner said branch or agency bank proposing to discontinue operation may be required to give notice of the date when such operation will cease.

SECTION 4. A NEW SECTION OF KRS CHAPTER 287 IS CREATED TO READ AS FOLLOWS:

(1) Whenever an application for approval of a corporation or facility provided for by KRS 287.050, 287.180, or Section 6 of this Act is made, notice of such application shall be published, and any interested party shall have the opportunity to request a public hearing to determine whether the criteria for approval set forth in the particular statutory section have been met.

(2) Hearings in regard to applications mentioned in subsection (1) of this section need not be held if, after publication of notice, no hearing is requested. However, nothing shall prevent the commissioner from himself causing a hearing to be held, and such hearing, if held, may be convened and conducted in such manner as the commissioner may determine by regulation or otherwise.

(3) Regardless of whether or not a hearing is held, the commissioner shall make the determinations required of him by the statutory sections mentioned in subsection (1) by means of a written order which sets forth the bases for his decision.

(4) When no hearing has been held and the commissioner has determined, by written order, that the proposed corporation or facility contemplated by the statutory sections mentioned in subsection (1) of this section should not be approved, he shall afford those parties seeking approval, and them only, a period of twenty (20) days after rendition of the order to again request a public hearing. If a hearing is then held, he shall prepare a second written order which makes the particular determinations required by the above-mentioned statutory sections. This second order may contain bases for his determinations that are in addition to or different from those contained in the first order.

(5) Notice of hearings held pursuant to this section shall be given by advertising one time in the newspaper with the largest circulation in the locality where the proposed corporation or facility is to be situated. Such advertisement shall state the nature and location of the proposed corporation or facility, as well as the name of the corporation or parties applying for approval. The notice shall also state that any interested parties who wish to request of the department that a hearing be held must do so in writing within twenty (20) days after publication of the notice.

SECTION 5. A NEW SECTION OF KRS CHAPTER 287 IS CREATED TO READ AS FOLLOWS:

(1) An appeal to the appropriate court from a final order of the commissioner rendered under KRS 287.050, 287.180, or Section 6 of this Act may be taken by anyone who was aggrieved by such order and who was a party to a hearing held pursuant to Section 4 of this Act.

(2) An appeal as specified in subsection (1) of this section may be taken by filing a petition of appeal with the appropriate court within thirty days after the rendition of a final order, and such petition shall be treated as a complaint under the Kentucky Rules of Civil Procedure. The department shall, within thirty days after being served with a summons, or within such further time as the court may allow, file a copy of the record, duly certified by the commissioner or one of his agents, and the expense of such record shall be taxed as costs.

(3) An appeal, pursuant to this section, from a final order of the commissioner rendered under KRS 287.180 or Section 6 of this Act does not, unless specifically ordered by the commissioner or by the court, operate as a stay of the commissioner's order.

(4) The reviewing court shall not substitute its judgment for that of the commissioner, and the court's review shall be limited to determining whether or not the final order of the commissioner was supported by substantial evidence or was arbitrary or capricious.

(5) The appeal shall be advanced on the court docket without motion or notice.

(6) The term "final order," as used in this section shall be deemed to refer to an order of approval or disapproval, as specified in Section 4 of this Act, or, where appropriate, a second order of approval or disapproval, within the meaning of that section.

SECTION 6. A NEW SECTION OF KRS CHAPTER 287 IS CREATED TO READ AS FOLLOWS:

(1) No branch or principal office of any bank shall be moved from one location to another without the approval of the commissioner. Before the commissioner shall approve or disapprove any such change of

location he shall ascertain and determine that the public convenience and advantage will be served and prompted thereby and that there is a reasonable probability of the successful operation of such branch or principal office at the new location.

(2) If a bank wishes to move its principal office from one location to another and retain its former principal office as a branch, the provisions of subsection (1) of this section shall be followed in regard to approval of the change of location. A final order by the commissioner approving or disapproving the change of location shall be deemed to constitute a similar approval or disapproval of the former principal office as a branch, and no further administrative proceedings shall be necessary. In no event shall the restrictions contained in KRS 287.180 as to where a branch may be located apply so as to prevent the approval of a former principal office as a branch in the manner provided for by this subsection.

(3) If the location of a branch or principal office is changed in the manner provided by either subsections (1) or (2) of this section, and if the new location is to be outside the corporation limits of the city in which it was formerly located, such new location must comply with the restrictions set out in KRS 287.180(2)(b) in regard to where a branch may be located. If a branch or principal office was formerly located in an unincorporated area and the new branch or principal office is to be located more than one mile from the former branch or principal office, the restrictions set out in KRS 287.180(2)(b) as to where a branch may be located must also be complied with.

Section 7. KRS 287.560 is amended to read as follows:

(1) If it appears upon examination that any bank or trust company is insolvent, *either in the sense that its liabilities exceed its assets or in the sense that it cannot meet its obligations in the usual and ordinary course of business for any reason,* or *if it appears* that its capital has become impaired, and has been permitted to remain impaired beyond the period allowed by law, *or that the Federal Deposit Insurance Corporation has terminated insurance of its depositors' accounts,* the department of banking and securities *may* [shall] immediately take charge of the bank or trust company and all of its property and effects.

(2) If an examiner finds that any bank or trust company is pursuing a dangerous and unsafe policy, the examiner shall call the directors and officers of such institution together and advise them fully of the nature of such objectionable practices, and warn them against a repetition thereof, and shall make a full report to the department of banking and securities of the practices warned against, and the advice given by him and thereupon the commissioner of banking and securities, *may* [shall], in person or by written notice to each director, require a cessation of such objectionable practices or policy. If his directions are not complied with, he may place an examiner in charge of such bank, or he may adopt such other policy as he deems best to bring the institution back to a safe condition.

(3) The officers, directors, or stockholders of any bank or trust company may execute to the commissioner of banking and securities a bond with security approved by him, to secure the creditors of such bank or trust company, and upon the execution of such bond the commissioner of banking and securities shall leave with or restore the custody and management of the bank or trust company to the officers and directors thereof. If the commissioner of banking and securities deems it necessary, he may cause a petition to be filed in the circuit court of the county where such bank or trust company is located, or apply to such court or to the judge thereof when the court is not in session, for the appointment of a receiver of such bank or trust company, and thereupon such court or judge shall set a date for the hearing of the application for the appointment of a receiver, not later than twenty (20) days from the date such motion is made. Notice of the hearing shall be served upon the bank or trust company. Upon such hearing the parties may be heard by affidavits or upon oral examination in court or before the judge and thereupon the judge shall hear and determine the question of the appointment of the receiver. If the court determines that such action or proposed action of the commissioner of banking and securities was justified, the court shall appoint a receiver, and shall fix the amount of the bond to be given by him.

(4) If any bank or trust company or officer thereof wilfully refuses after demand by the commissioner of banking and securities to comply with any of the provisions of this chapter, the commissioner of banking and securities may take charge of its property and assets as provided in this section.

Agreed.

Representative B. Richardson moved that **HB 213,** as amended, be passed.

On the roll call the vote was yeas 61-J. Allen, Arnold, Bendl, Bevins, Blandford, Blume, Bruce, Carpenter, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Stephens, Tobin, J. Turner, Vincent, Wells, Wible, Wright, Yates. Nays 16-Ackerson, B. Adams, A. S. Adams, W. Allen, Benson, Beshear, Blythe, Brown, Burnette, Clarke, Cooper, DeFalaise, Denham, Freeman, Schmidt, Wooden.

**HB 213,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 213,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 208:**

Amend printed copy of **HB 208** as follows:

On page 3, following line 23, insert:

"chief of the division of elevator inspection shall be given to the owner or operator of such elevator, and unless appealed, upon compliance therewith, and upon the payment of the fees required by law, the chief shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection, which certificate shall be valid for one (1) year after the date of inspection.

(3) If construction plans or an application of specifications is not approved, the chief shall state in writing the necessary changes to obtain approval and the owner or operator shall be given a copy thereof, and unless appealed, upon compliance therewith, the chief shall approve such plans or specifications and issue a permit for construction.

(4) Such owner or operator, within twenty (20) days from receipt of the copy of such report or statement of changes in plans or specifications, may make written application to the division, upon forms to be furnished by the division for a hearing on the report or the statement regarding changes in plans or specifications as to whether the elevator in question is reasonably safe, or whether the elevator if constructed in accordance with such plans and specifications would be reasonably safe. The division shall promptly consider such application and proceedings consistent with the provisions of this section.

(5) If it appears from the evidence that said elevator will be reasonably safe to operate without such changes or repairs as shown in such report or by making only a part or all thereof, or if none or only a part of all the changes in the plans or specifications are found necessary to make the elevator reasonably safe, the division shall make its finding and order accordingly. If such finding and order requires changes or repairs to be made in the elevator or changes in the plans or specifications, the chief shall upon the payment of the required fees, issue a certificate of operation when such order has been executed, or issue his approval of the plans or specifications. If the finding and order of the division has been affirmed or modified by appeal, on the grounds of reasonable safety considered by the division, then the chief shall, upon compliance with such order, and the payment of required fees, issue such certificate of operation or issue his approval of the plans and specifications but, if such finding and order of the division has been vacated such certificate of operation, upon the payment of fees or such approval of plans and specifications shall be issued forthwith. No elevator shall be operated after being inspected without having such certificate of operation conspicuously posted thereon, except pending a hearing on the" following the words "by the" and preceding the words "issuance thereof"

Agreed.

Representative B. Richardson moved that **HB 208,** as amended, be passed.

On the roll call the vote was yeas 46-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bevins, Blair, Blume, Blythe, Bruce, Burnette, Carpenter, Crupper, Dawahare, DeFalaise, Denham, Foster, Guenthner, Hancock, Head, Hughes, Hurst, Imes, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Maynard, McBee, McBride, McGill, Morgan, Morris, O'Brien, Pearl, B. Richardson, P. Richardson, Sale, Stephens, Thomas, J. Turner, Vincent, Wright, Yates. Nays 31-J. Allen, Bendl, Beshear, Blandford, Brown, Clarke, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Givhan, Gray, Hardwick, Holbrook, Holloway, Hopkins, Isler, Little, Mann, Nett, Overstreet, Priddy, Richards, Robinson, Romines, Siemens, Wible, Wooden.

**HB 208,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 208,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 334:**

Amend printed copy of **HB 334** as follows:

On page 7, after line 3, by adding the following:

"*(15) Nothing in this section shall be construed to affect the classification of property for ad valorem tax purposes.*"

Agreed.

Representative B. Richardson moved that **HB 334,** as amended, be passed.

On the roll call the vote was yeas 77-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, J. Turner, Vincent, Wells, White, Wible, Wright, Yates. Nays 1-W. Allen.

**HB 334,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 334,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 288:**

Amend printed copy of **HB 288** as follows:

On page 1, line 4, by deleting "*sixteen (16)*" and inserting in lieu thereof "*fifteen (15)*"

and on line 9, by deleting "*co-chairman*" and inserting in lieu thereof "*director*"

On the roll call the vote was yeas 51-Ackerson, B. Adams, J. Allen, Arnold, Beshear, Blair, Blandford, Blume, Blythe, Brinkley, Bruce, Carpenter, Clarke, Cooper, Craddock, Cyrus, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Givhan, Head, Imes, Isler, Kenton, King, Little, Mason, May, McBee, McBride, Morgan, Morris, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Sale, Schmidt, Tobin, J. Turner, Vincent, Wells, Wible, Yates. Nays 25-W. Allen, Bendl, Benson, Bevins, Brown, Crupper, Dawahare, Deskins, Doss, Fitzgerald, Gray, Hancock, Holbrook, Holloway, Hopkins, Hurst, LeMaster, Mann, Nett, Priddy, P. Richardson, Thomas, White, Wooden, Wright.

The House concurred in the Senate Amendment to **HB 288.**

Representative B. Richardson moved that **HB 288,** as amended, be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Carpenter, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Givhan, Gray, Head, Holloway, Hopkins, Imes, Isler, Jones, Kenton, King, Little, Mann, May, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, J. Turner, Vincent, Wells, White, Wible, Wooden, Yates. Nays 14-W. Allen, Benson, Brown, Crupper, Deskins, Doss, Fitzgerald, Hancock, Holbrook, Hughes, Hurst, LeMaster, P. Richardson, Thomas.

**HB 288,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 288,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 498:**

Amend printed copy of **HB 498** as follows:

On page 2, after line 12, by adding the following:

"Section 2. KRS 13.087 is amended to read as follows:

(1) There is hereby created a permanent subcommittee of the legislative research commission to be known as the administrative regulation review subcommittee. The subcommittee shall be composed of three (3) members, no more than two (2) of whom shall be members of the same political party. The legislative research commission shall appoint from the membership of the general assembly, the members of the subcommittee for terms of two (2) years, and the members so appointed shall elect one (1) of their number to serve as chairman. Any vacancy which may occur in the membership of the subcommittee shall be filled by the legislative research commission at its next regularly scheduled meeting after the occurrence of the vacancy.

(2) The subcommittee shall meet monthly at such time and place as the chairman may determine. The members of the subcommittee shall be compensated for attending meetings, as provided in KRS 7.090(2).

(3) Any professional, clerical or other employes required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090(4) and (5).

(4) Prior to filing, all regulations shall be submitted to the administrative regulation review subcommittee to determine if the regulation conforms to the statutory authority under which it was promulgated and if it carries out the legislative intent of the statutory authority under which it was promulgated. The subcommittee's finding that a regulation does not conform to the statutory authority or carry out the legislative intent shall be reported to the promulgating administrative body and to the director of the legislative research commission. In the event the subcommittee determines that a regulation, other than an emergency filing approved by the governor, does not conform to the statutory authority, or does not coincide with the legislative intent, the subcommittee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the subcommittee to the director of the legislative research commission. The subcommittee shall act on a regulation submitted to the legislative research commission within thirty (30) days of the submission of the regulation.

(5) The promulgating administrative body may revise a regulation to comply with the subcommittee's objections, and may return the revised regulation to the subcommittee, or it may return the regulation, with the subcommittee's notation attached, without change. The legislative research commission shall immediately accept a regulation as filed if it is not objected to by the subcommittee.

(6) In the event an administrative body returns a regulation, objected to by the subcommittee, to the legislative research commission without change, the regulation shall be referred by the director to the standing committee of the house of representatives and senate or to the interim committee with appropriate jurisdiction as determined by the rules of the house and senate then in effect or in effect during the most recent session of the general assembly. The standing committees of the house and senate or the interim committee to which a regulation is referred under this section shall review the regulation in the same manner as did the administrative regulation review subcommittee and shall not expand their review beyond determining whether the regulation conforms to the statutory authority under which it was promulgated and whether the regulation carries out the legislative intent of the statute it seeks to implement. In the event the standing committee of the house and senate or the interim committee determines that a regulation does not conform to the statutory authority under which it was promulgated, or does not coincide with the legislative intent of the statute it seeks to implement the standing committees or the interim committee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and the director shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the standing committees or by the interim committee to the director of the legislative research commission. The standing committees or interim committee shall act on a regulation submitted in accordance with this section within thirty (30) days of the date the administrative body returns the regulation*; provided, however, if there are no authorized meetings of the standing committees or the interim committee within such thirty (30) day period, the legislative research commission shall take action on the returned regulation in the same manner herein described at its next regularly scheduled meeting.*

(7) The promulgating administrative body may revise a regulation to comply with the subcommittee's interim or standing committee's objections, and may return the revised regulation to said subcommittee or committee, or may return the regulation with the subcommittee's interim or standing committee's notation attached, without change. The legislative research commission shall immediately accept the regulation as filed.

(8) The subcommittee shall report monthly to the legislative research commission all action taken on administrative bodies' regulations. The director of the legislative research commission shall report to the commission all action taken by the standing committee or by the interim committee.

(9) All regulations objected to by the subcommittee and by the standing committees or interim committee and not revised by the promulgating administrative body together with the notations of the subcommittee's and the standing committee's or interim committee's objection shall be transmitted by the director to the clerk of the senate and the clerk of the house of representatives on or before the first day of each regular session of the general assembly. The clerk of the senate and the clerk of the house of representatives shall lay all regulations so transmitted before the senate and the house of representatives, respectively, for such action as the respective legislative bodies may determine to be appropriate."

Agreed.

Representative B. Richardson moved that **HB 498,** as amended, be passed.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Thomas, J. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 5-Bruce, Deskins, Doss, Holbrook, Morris.

**HB 498,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 498,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 338:**

Amend printed copy of **HB 338** as follows:

On page 1, line 16, by deleting "*.071*"

Agreed.

Representative B. Richardson moved that **HB 338,** as amended, be passed.

On the roll call the vote was yeas 70-Ackerson, J. Allen, Arnold, Bendl, Benson, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Carpenter, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, Morgan, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Stephens, Thomas, J. Turner, Wells, Wible, Wooden, Wright, Yates. Nays 7-W. Allen, Bruce, Burnette, Clarke, Imes, Morris, Overstreet.

**HB 338,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 338,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 456:**

Amend printed copy of **HB 456** as follows:

Page 8, by adding a new section to read as follows:

"SECTION 7. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of law to the contrary the attorney general shall have authority to initiate actions or intervene in actions brought pursuant to the provisions of KRS Chapters 146, 151, 217B, 224 and 350."

Agreed.

Representative B. Richardson moved that **HB 456,** as amended, be passed.

On the roll call the vote was yeas 60-B. Adams, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Bruce, Carpenter, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hancock, Hardwick, Head, Holloway, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden, Yates. Nays 23-Ackerson, A. S. Adams, J. Allen, W. Allen, Blair, Boatwright, Brinkley, Brown, Burnette, Cooper, Dawahare, DeMarcus, Foster, Holbrook, Hopkins, Hughes, Imes, May, Overstreet, Schmidt, J. Turner, White, Wright.

**HB 456,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 456,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 85:**

Amend printed copy of **HB 85** as follows:

On page 2, line 21, after the word "width" strike the word "for" and insert in lieu thereof the following: "as a condition precedent to"

Agreed.

Representative B. Richardson moved that **HB 85,** as amended, be passed.

On the roll call the vote was yeas 72-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, May, McBee, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Tobin, J. Turner, Vincent, Wible, Wooden, Yates. Nays 0.

**HB 85,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 85,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Clarke moved that the House concur in the following Senate Amendment to **HB 138:**

Amend printed copy of **HB 138** as follows:

On page 6, line 5, after the word "research," by adding the words "in conjunction with an application for a loan,".

Agreed.

Representative Clarke moved that **HB 138,** as amended, be passed.

On the roll call the vote was yeas 74-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Thomas, J. Turner, Vincent, White, Wible, Wooden, Yates. Nays 6-J. Allen, W. Allen, Crupper, Doss, Fitzgerald, Imes.

**HB 138,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 138,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment to **HB 355:**

Amend printed copy of **HB 355** as follows:

On page 1, line 4, by deleting the word "*work*" and inserting in lieu thereof the word "*full*";

on page 1, line 4, by deleting the words "*or any*" and beginning with line 5, by deleting the words "*fraction of the word day*" and inserting in lieu thereof the following: "*or any two (2) half days Monday through Saturday of any week*"

Agreed.

Representative B. Richardson moved that **HB 355,** as amended, be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, White, Wible, Wooden. Nays 1-J. Turner.

**HB 355,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 355,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 142:**

Amend printed copy of **HB 142** as follows:

Page 1, lines 13 and 14, by deleting "December 31, *1977*"and substituting thereof "*January 6, 1978*"

and on page 2, line 6, after the word "*Session*" strike the entire balance of the line

and on page 2, line 7, strike from the beginning of the line to after the word "*benefits*"

and on page 2, line 12, by changing the period following the word "*Board*" to a comma and adding the following: "*, except that a former member with sixteen (16) or more years of legislative service, or his beneficiary, who is receiving a retirement allowance, also is eligible under this section and may apply for a recomputation of his retirement allowance.*"

and on page 2, line 16, after the period insert the following: "*If any such members with sixteen or more years of legislative service previously applied for and is receiving a retirement allowance, he may re-apply and his retirement allowance shall be re-computed in accordance with this sub-paragraph (c), and he shall thereafter be paid in accordance with the option selected by him at the time of the re-application.*"

Agreed.

Representative Blume moved that **HB 142,** as amended, be passed.

On the roll call the vote was yeas 81-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Freeman, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, J. Turner, Vincent, White, Wible, Wooden, Wright, Yates. Nays 4-Bruce, Cooper, Denham, Morris.

**HB 142,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 142,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 509:**

Amend printed copy of **HB 509** as follows:

On page 4, after line 25, by adding the following:

"Section 2. KRS 216.425 is amended to read as follows:

(1) There is hereby created the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board consisting of sixteen members, to be appointed by the governor, for the purpose of carrying out KRS 216.405 to 216.485. The board shall be appointed as follows: two members from the Kentucky Hospital Association, two members from the Kentucky Medical Association, two members from the Kentucky Nursing Home Association, one member from the Kentucky Nurses Association, one member from the Kentucky Dental Association, one member from the Kentucky Pharmaceutical Association, and four members who are consumers with an interest in education, rehabilitation, mental health, home care programs, or ambulatory care services and three members who are consumers not associated with any health facilities or delivery of health services. [The aforesaid associations shall nominate three persons for each appointment to be made. The comprehensive health planning council shall nominate three persons for each of the consumer positions.] The governor shall appoint a chairman from the consumer members of the board. Members of the board shall serve for a term of four years, except that the first appointments shall be made as follows: three for a term of one year; four, a term of two years; four, a term of three years; and four, a term of four years. In event of a vacancy the person appointed shall serve only for the remaining portion of the vacated term. All members shall serve until such time as their successors are qualified and appointed. The secretary for human resources shall serve in an advisory capacity to the board.

(2) Board members shall be reimbursed for allowable expenses for each day spent in active board duty.

(3) The board shall have authority to promulgate administrative regulations, to be filed with the Legislative Research Commission as provided in KRS chapter 13 and do any other acts necessary to administer KRS 216.405 to 216.485.

(4) The board shall have three separate and distinct functions:

(a) To issue certificates of need in accordance with the provisions of KRS 216.405 to 216.485.

(b) To issue licenses, regulate and inspect health facilities and health services.

(c) To enforce, through legal actions on its own motion, the provisions of such certificates, licenses and regulations.

(5) The board shall develop, establish, enforce and may repeal standards, rules and regulations for the care, health, safety, welfare, and comfort of patients in health facilities and health services covered by KRS 216.405 to 216.485 and for the maintenance and operation of health facilities and health services which shall be designed to insure that the quality of care offered by the facility or service is satisfactory and that the facility or service receives a license appropriate to its function. This shall include but not be limited to the classification and categorization of health facilities and health services according to character, size, range of services provided, type and level of care required. Further, the board shall develop and enforce standards relative to each classification or category of health facilities and health services which must be met in order to receive a license to operate and maintain health facilities and health services.

(6) The board shall adopt, establish and enforce criteria and procedures as developed by the state health planning council for determining the need for construction, expansion or implementation of health facilities and services.

(7) Members of the board, or its representatives, are hereby authorized to enter upon the premises of any health facility or health service as covered by KRS 216.405 to 216.485, for the purpose of inspection, at any reasonable time.

(8) The composition of the board and the rules and regulations thereof shall conform to any federal law or regulations pertaining to the licensing of health facilities.

(9) The board may appoint such technical advisory committees as are deemed necessary to administer the provisions of KRS 216.405 to 216.485.

(10) The board may, by regulation, prescribe and collect reasonable fees and charges for processing applications for certificate of need and licensure. All fees and charges collected under the provisions of KRS 216.405 to 216.485 shall be paid to the state treasurer and credited to a trust and agency account to be used in the administration of KRS 216.405 to 216.485.

(11) The board shall coordinate the requirements of all other state agencies which may have regulatory power over health facilities and health services covered by KRS 216.405 to 216.485 in such manner that the applicant is assured of having met the requirements of the other agencies when issued a license by this board."

On page 1, the title by deleting the word "home".

On the roll call the vote was yeas 0. Nays 90-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Vincent, Wells, White, Wible, Wooden, Wright.

The motion that the House concur in the Senate Amendment to **HB 509** was rejected.

The House will ask the Senate to recede from the Amendment to **HB 509.**

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 402.**

Amend printed copy of **HB 402** as follows:

On page 5, line 4, by deleting the " [";

and on page 5, line 10, by deleting the "]";

and on page 5, line 10, by adding the words:

*"(8) No candidate as defined in this Act, nor any committee which has been organized in whole or in part to further the candidacy of such person, shall use or permit the use of contributions or funds solicited or received for such person to further the candidacy of such person for any other public office. Any funds or contributions solicited or received by or on behalf of a candidate or any committee, which has been organized in whole or in part to further any candidacy for the same person, shall be deemed to have been solicited or received for the candidacy for which he is then a candidate if the funds or contributions are solicited or received at any time prior to the general election for which he is a nominee and for thirty days thereafter. Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further the candidacy of such person shall, at the election of the candidate or committee, be returned pro rata to all contributors or be transferred to the executive committee of the political party of which the candidate is a member."*

On the roll call the vote was yeas 49-B. Adams, Bendl, Bennett, Beshear, Bevins, Blandford, Blume, Blythe, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Givhan, Isler, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBride, McGill, Muncy, O'Brien, Pearl, Richards, B. Richardson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, J. Turner, Wells, White, Wooden. Nays 35-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Blair, Boatwright, Brinkley, Brown, Burnette, Crupper, DeFalaise, Doss, Floyd, Freeman, Gray, Guenthner, Hancock, Head, Holbrook, Hopkins, Hurst, Imes, McBee, Nett, Overstreet, Priddy, Rattliff, P. Richardson, Robinson, Romines, Schmidt, Vincent, Wible, Wright.

Agreed.

Representative B. Richardson moved that **HB 402,** amended, be passed.

On the roll call the vote was yeas 53-B. Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blume, Blythe, Brown, Carpenter, Clapp, Craddock, Dawahare, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Hancock, Hughes, Isler, Jones, Kenton, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Muncy, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Sale, Siler, Stephens, J. Turner, Vincent, White, Wooden. Nays 32-Ackerson, W. Allen, Benson, Bevins, Blair, Boatwright, Brinkley, Burnette, Clarke, Crupper, Cyrus, DeFalaise, Freeman, Gray, Guenthner, Hardwick, Holbrook, Hopkins, Imes, Lindsay, Nett, Overstreet, Priddy, Rattliff, Romines, Schmidt, Siemens, Tobin, Thomas, Wible, Wright, Yates.

**HB 402,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 402,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 593:**

Amend printed copy of **HB 593** as follows:

On page 4, line 19, after the word "years." insert the words "*On a commission with five (5) members, not more than two members shall hold concurrent terms of office.*"

On the roll call the vote was yeas 42-W. Allen, Bendl, Beshear, Blair, Blandford, Brown, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Doss, Freeman, Givhan, Guenthner, Holbrook, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, Lindsay, Little, Mason, May, McBride, McGill, Muncy, Nett, O'Brien, Robinson, Sale, Siemens, Tobin, J. Turner, Vincent, Wells, Wible. Nays 33-Ackerson, J. Allen, Arnold, Bennett, Benson, Bevins, Blythe, Carpenter, Cooper, Crupper, Cyrus, Denham, Deskins, Dunn, Fitzgerald, Foster, Gray, Hancock, Head, Hurst, Imes, LeMaster, Morris, Overstreet, Pearl, Richards, Romines, Schmidt, Siler, Stephens, White, Wooden, Yates.

Agreed.

Representative Wible moved that **HB 593,** as amended, be passed.

Representative Hopkins moved that the rules be suspended to reconsider the vote on the Senate Amendment to **HB 593.**

On the roll call the vote was yeas 19-Ackerson, Bennett, Benson, Bevins, Blythe, Boatwright, Clapp, DeFalaise, Dunn, Gray, Holbrook, Holloway, Hopkins, O'Brien, Overstreet, Priddy, Schmidt, Wright, Yates. Nays 43-B. Adams, W. Allen, Arnold, Beshear, Blair, Blandford, Blume, Carpenter, Craddock, Crupper, Denham, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Hancock, Imes, Isler, Kenton, Kidd, King, Kleier, Little, Mann, McBee, McBride, McGill, Muncy, Nett, Pearl, Richards, B. Richardson, P. Richardson, Siemens, Stephens, Stewart, Tobin, J. Turner, Wells, Wible, Wooden.

The motion that the rules be suspended was rejected.

On the roll call the vote was yeas 40-J. Allen, Beshear, Blandford, Brown, Bruce, Clapp, Craddock, Crupper, Cyrus, Dawahare, Denham, Deskins, Dietz, Doss, Freeman, Givhan, Gray, Hardwick, Hurst, Isler, Jones, Kenton, King, Kleier, Little, Mann, McBride, Muncy, Nett, O'Brien, Pearl, Rattliff, Robinson, Romines, Sale, Siemens, Siler, Tobin, Wells, Wible. Nays 26-W. Allen, Arnold, Bendl, Benson, Blair, Blythe, Carpenter, Clarke, Fitzgerald, Floyd, Foster, Guenthner, Hancock, Head, Holloway, Imes, LeMaster, McBee, McGill, Morris, Overstreet, Richards, Stewart, J. Turner, White, Wooden.

**HB 593,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 593,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative King moved that the House refuse to concur in the following Senate Amendment to **HB 716:**

Amend printed copy of **HB 716** as follows:

Page 4, line 3, after the word "bodies" insert the following: ", provided, however, that public transit sales tax shall not be levied on those retail sales which are exempted from the state sales tax by KRS Chapter 139, residential utility services, including telephone service, water and sewer service, electricity and fuel for residential use for heating, water heating, cooking, lighting and other household power. As used in this subsection, "fuel" shall include, but not be limited to, natural gas, electricity, fuel oil, bottled gas, coal, coke and wood, water and electricity for residential use which is charged directly to the consumer, eye glasses and contact lenses and dentures, wine produced in Kentucky, children's shoes size 0-13 1/2, seed, chemicals, and medical supplies for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer and limestone to be applied on land the products from which, including livestock products, are to be used for food or human consumption or are to be sold in the regular course of business; provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and Provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing, fuel for residential use for heating, water heating, cooking, lighting and other household power. As used in this subsection, "fuel" shall include, but not be limited to, natural gas, electricity, fuel oil, bottle gas, coal, coke and wood, sale of admissions to events organized and sponsored by elementary and secondary and high institutions of education, gross receipts from the sale of, and the storage, use or other consumption in this state of tangible personal property or services to any units of local government in Kentucky. "Units of local government" means any city, county, urban county government, housing authority, school district, or special district, as defined in KRS 65.005, which are authorized and regulated by statute and which provide government type services. To facilitate the change in tax application occasioned by this subsection, suppliers of utility services shall apply the new procedure beginning with the first customer billing after the effective date of this subsection, returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container, gross receipts from the sale of and the storage, use or other consumption in this state of tangible personal property or services to any county or independent school district."

Page 8, lines 13 and 14, delete the words "as provided in KRS Chapter 424" and insert in lieu thereof the following: "in all newspapers that meet the requirements set forth in KRS 424.120 in the following manner:

(a) The advertisement shall contain a notification that there is to be a referendum, the subject of which is to be the proposed sales tax.

(b) The advertisement shall contain the amount of the proposed sales tax and the subject(s) thereof.

(c) The advertisement shall include the manner in which the tax shall be levied.

(d) The advertisement shall include the manner in which and purposes for which revenues resulting from the tax levy shall be spent.

(e) The advertisement shall be no less than one quarter page in size and

(f) shall be published at least once weekly for the nine weeks immediately prior to the date of the referendum,

(g) and daily for the week immediately prior to the date of the publication in those papers with daily publication.

(h) The advertisement shall begin with the word "Tax",

The motion that the House refuse to concur in the Senate Amendment to **HB 716** was adopted.

The House will ask the Senate to recede from the Amendment to **HB 716.**

Representative Clapp moved for suspension of Section 401, 402, 404, 407, 409, 417 of Mason's Manual and House Rules 50, 56, 58 for the purpose of immediate consideration of **SB 30,** with Committee Amendment and Title Amendment attached thereto, and for the further purpose of bringing to an immediate vote the question of adoption of the Committee Amendment and the Title Amendment to **SB 30** and the question of passage of **SB 30.**

On the roll call the vote was yeas 48-Ackerson, B. Adams, J. Allen, Bennett, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Clapp, Crupper, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Freeman, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hughes, Hurst, Isler, Jones, Lindsay, May, McBee, Morris, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Schmidt, Vincent, Wright, Yates. Nays 35-A. S. Adams, Arnold, Bendl, Benson, Beshear, Blume, Brown, Carpenter, Clarke, Craddock, DeMarcus, Denham, Fitzgerald, Floyd, Hancock, Hopkins, Kenton, Kidd, King, Kleier, LeMaster, Mann, Mason, McBride, McGill, Muncy, Siemens, Siler, Stephens, Stewart, Tobin, J. Turner, Wells, Wible, Wooden.

The motion that Section 401, 402, 404, 407, 409, 417 of Mason's Manual and House Rules 50, 56, 58 be suspended for the purpose of immediate consideration of **SB 30,** with Committee Amendment and Title Amendment attached thereto, and for the further purpose of bringing to an immediate vote the question of adoption of the Committee Amendment and the Title Amendment to **SB 30** and the question of passage of **SB 30** was rejected.

### Senate Message

**SB 197** and **SB 249** returned with letter requesting that the House recede from its Amendments.

Representative McBride moved that the rules be suspended to allow the House to stand at ease. Agreed.

### Recess

Representative Beshear moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day (continued)

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendment to **HB 644:**

Amend printed copy of **HB 644** as follows:

On page 1, after the enacting clause by adding the following:

"Section 1. A new section of KRS Chapter 367 is created to read as follows:

(1) Every contract, combination in the form of trust and otherwise, or conspiracy, in restraint of trade or commerce in this commonwealth shall be unlawful.

(2) It shall be unlawful for any person or persons to monopolize, or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce in this commonwealth.

Section 2. A new section of KRS Chapter 367 is created to read as follows:

In addition to the penalties contained in KRS 367.990, the attorney general, upon petition to the court, may recover, on behalf of the commonwealth a civil penalty of not more than the greater of five thousand dollars ($5,000) or two hundred dollars ($200) per day for each and every violation of Section 1 of this Act."

and on page 1, line 1, by renumbering Section 1 to read Section 3.

The motion that the House refuse to concur in the Senate Amendment to **HB 644** was adopted.

The House will ask the Senate to recede from its Amendment to **HB 644.**

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 11:**

Amend printed copy of **HB 11** as follows:

On page 4, line 1, before the word "the" by adding the words "*for all price contracts and purchase contracts estimated to exceed seven thousand five hundred dollars ($7,500)*"; and on

page 5, line 21, by deleting the word "department" and inserting in lieu thereof the words "*executive department for finance and administration*"; and on

page 5, lines 21 and 22, by placing " [ ]" around the word "lowest"; and on

page 5, line 22, after the word "bidder" by adding the words "*with the lowest and best bid*"; and on

page 5, line 25, after the word "requested" by adding the words "*or the purchase price on the items negotiated*".

On the roll call the vote was yeas 50-B. Adams, J. Allen, Arnold, Bendl, Bennett, Bevins, Blandford, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Guenthner, Hancock, Holloway, Imes, Isler, Jones, Kenton, King, LeMaster, Mason, May, Maynard, McBee, Morgan, Muncy, O'Brien, Pearl, B. Richardson, Romines, Sale, Siler, Stephens, Vincent, Wells, White, Wible, Wright, Yates. Nays 30-Ackerson, W. Allen, Benson, Beshear, Boatwright, Brown, Burnette, Cooper, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Foster, Hardwick, Head, Holbrook, Hopkins, Hughes, Lindsay, Little, Mann, McBride, McGill, Overstreet, Rattliff, Robinson, Siemens, Tobin, Wooden.

The motion that the House concur in the Senate Amendment to **HB 11** was adopted.

Representative B. Richardson moved that **HB 11,** as amended, be passed.

On the roll call the vote was yeas 57-J. Allen, Arnold, Bendl, Bennett, Bevins, Blandford, Boatwright, Bruce, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Holloway, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, Morgan, Muncy, Nett, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Stephens, Thomas, Vincent, Wells, White, Wible, Yates. Nays 22-Ackerson, W. Allen, Benson, Beshear, Blair, Burnette, Cooper, DeFalaise, DeMarcus, Denham, Hancock, Head, Holbrook, Hopkins, Hughes, Imes, Lindsay, Overstreet, Robinson, Siemens, Wooden, Wright.

**HB 11,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 11,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 579:**

Amend printed copy of **HB 579** as follows:

On page 3, line 17, insert after the word "*committees*" and before the period the following: "*or their designee*".

Agreed.

Representative B. Richardson moved that **HB 579,** as amended, be passed.

On the roll call the vote was yeas 87-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Boatwright, Brown, Bruce, Burnette, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-W. Allen.

**HB 579,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 579,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendments to **HB 35:**

**HB 35,** AN ACT providing for the creation and operation of a housing rehabilitation revolving loan fund.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 198A.010 is amended to read as follows:

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Bonds" or "notes" means the bonds or bond anticipation notes authorized to be issued by the corporation under this chapter but shall not include any fund notes;

(2) "Corporation" means the Kentucky Housing Corporation created by this chapter;

(3) "Sponsors", "builders" or "developers" means non-profit corporations, *associations, partnerships or other entities,* consumer housing cooperatives and limited dividend housing corporations, *associations, partnerships or other entities* organized pursuant to the Kentucky Revised Statutes for the primary purpose of providing housing to lower income persons and families;

(4) "Development costs" means the costs approved by the corporation as appropriate expenditures *and credits* which may be incurred by sponsors, builders and developers of residential housing, prior to commitment and initial advance of the proceeds of a construction loan or of a mortgage, including but not limited to:

(a) Payments for options to purchase properties on the proposed residential housing site, deposits on contracts of purchase, or, with prior approval of the corporation, payments for the purchase of such properties;

(b) Legal and organizational expenses, including payments of attorney's fees, project manager, clerical and other staff salaries, office rent and other incidental expenses;

(c) Payment of fees for preliminary feasibility studies and advances for planning, engineering and architectural work;

(d) Expenses for tenant surveys and market analyses; [and]

(e) Necessary application and other fees; *and*

*(f) Credits allowed by the corporation to recognize the value of service provided at no cost by the sponsors, builders and/or developers;*

(5) "Fund notes" means the notes authorized to be issued by the corporation under the provisions of KRS 198A.080;

(6) "Governmental agency" means any department, division, public agency, political subdivision or other public instrumentality of the Commonwealth, the federal government, any other state or public agency, or any two or more thereof;

(7) "Housing Development Fund" means the housing development fund created by KRS 198A.080;

(8) "Insured construction loan" means a construction loan for land development or residential housing which is secured by a mortgage either insured or guaranteed by or for which there is a commitment to insure or guarantee by (a) the United States of America or any agency or instrumentality thereof; or (b) any other entity which has been duly approved for the insuring of such loans by the United States of America or by the Commonwealth of Kentucky or any agency or instrumentality thereof;

(9) "Insured mortgage" or "insured mortgage loan" means a mortgage loan for land development for residential housing or for residential housing either made, insured or guaranteed by or for which there is a commitment to make, insure and guarantee by, (a) the United States of America or any agency or instrumentality thereof; or (b) any other entity which has been duly approved for the insuring of such loans by the United States of America or by the Commonwealth of Kentucky or any agency or instrumentality thereof *and shall also refer to and mean any loan for residential housing not secured by mortgage which is insured or guaranteed to at least eighty-five percent (85%) of its principal amount by the United States of America or any agency or instrumentality thereof*;

(10) "Land development" means the process of acquiring land primarily for residential housing construction for persons and families of lower income and making, installing or constructing non-residential housing improvement, including water, sewer and other utilities, roads, streets, curbs, gutters, sidewalks, storm drainage facilities and other installations or works, whether on or off the site, which the corporation deems necessary or desirable to prepare such land primarily for residential housing construction;

(11) "Obligations" means any bonds, bond anticipation notes or fund notes authorized to be issued by the corporation under the provisions of this chapter;

(12) "Persons and families of lower income" means persons and families of insufficient personal or family income as determined by the standards established by the corporation;

(13) "Residential housing" means a specific work or improvement undertaken primarily to provide dwelling accommodations for persons and families of lower income, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, and such other non-housing facilities as may be incidental or appurtenant thereto;

(14) "Tenant programs and services" means services and activities for persons and families living in residential housing, including the following:

(a) Counseling on household management, housekeeping, budgeting, and money management;

(b) Child care and similar matters;

(c) Access to available community services related to job training and placement, education, health, welfare, and other community services;

(d) Guard and other matters related to the physical security of the housing residents;

(e) Effective management-tenant relations, including tenant participation in all aspects of housing administration, management and maintenance;

(f) Physical improvements of the housing, including buildings, recreational and community facilities, safety measures, and removal of code violations;

(g) Advisory services for tenants in the creation of tenant organizations which will assume a meaningful and responsible role in the planning and carrying out of housing affairs;

(h) Procedures whereby tenants, either individually or in a group, may be given a hearing on questions relating to management policies and practices, either in general or in relation to an individual or family; and

(15) "State" means the Commonwealth of Kentucky.

Section 2. KRS 198A.040 is amended to read as follows:

The corporation shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including, but without limiting the generality of the foregoing, the power:

(1) To make or participate in the making of insured construction loans to sponsors of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(2) To make or participate in the making of insured mortgage loans to sponsors of residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that mortgage loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(3) To purchase or participate in the purchase of insured mortgage loans made to sponsors of residential housing or to persons of lower income for residential housing; provided, however, that any such purchase shall be made only upon the determination by the corporation that mortgage loans were not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(4) To make temporary loans from the Housing Development Fund;

(5) To collect and pay reasonable fees and charges in connection with making, purchasing and servicing its loans, notes, bonds, commitments and other evidences of indebtedness;

(6) To acquire real property, or any interest therein, by purchase, foreclosure, lease or sublease, or otherwise; to own, manage, operate, hold, clear, improve and rehabilitate such real property; and to sell, assign, exchange, transfer, convey, lease, mortgage or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purpose of the Kentucky Housing Corporation;

(7) To sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction, land development, mortgage or temporary loan of any type permitted by this chapter;

(8) To procure insurance against any loss in connection with its operations in such amounts, and from such insurers, as it may deem necessary or desirable;

(9) To consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purposes, to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the corporation is a party;

(10) To acquire, establish, operate, lease and sublease residential housing for persons and families of lower income and to enter into agreements or other transactions with any federal, state or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing and where no local housing authorities or other organizations exist to fill such need;

(11) To include in any borrowing such amounts as may be deemed necessary by the corporation to pay financing charges, interest on the obligations for a period not exceeding two years from their date, consultant, advisory and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) To make and publish rules and regulations respecting its lending programs and such other rules and regulations as are necessary to effectuate its corporate purposes;

(13) To provide technical and advisory services to sponsors, builders and developers of residential housing and to residents and potential residents thereof, including but not limited to, housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) To promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) To encourage community organizations to participate in residential housing development;

(16) To make, execute and effectuate any and all agreements or other documents with any federal or state agency or any person, corporation, association, partnership, or other organization or entity, necessary to accomplish the purposes of this Chapter;

(17) To accept gifts, devises, bequests, grants, loans, appropriation, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) To sue and be sued in its own name, plead and be impleaded;

(19) To maintain an office in the City of Frankfort and at such other place or places as it may determine;

(20) To adopt an official seal and alter the same at pleasure;

(21) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;

(22) To employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers and such other consultants and employes as may be required in the judgment of the corporation and to fix and pay their compensation from funds available to the corporation therefor;

(23) To invest any funds held in reserve or in sinking fund accounts or any monies not required for immediate disbursement in obligation guaranteed by the State, the United States, or their agencies or instrumentalities; provided, however, that the return on such investments shall not violate any rulings of the Internal Revenue Service regarding the investment of the proceeds of any federally tax exempt bond issue;

(24) To make or participate in the making of rehabilitation loans to the sponsors or owners of residential housing; provided, however, that any such rehabilitation loan shall be made only upon the determination by the corporation that the rehabilitation loan was not otherwise available wholly or in part from private lenders upon reasonably equivalent terms and conditions;

(25) To insure or reinsure construction, mortgage, and rehabilitation loans on residential housing; provided, however, that any such insurance, [or] reinsurance *or waiver* shall be made only upon the determination by the corporation *(a)* that such insurance or reinsurance is not otherwise available wholly or in part from private insurers upon reasonably equivalent terms and conditions; *and (b) that such loan is a reasonably sound business investment; and provided further that insurance may be waived only where the corporation finds that the amount of the loan does not exceed eighty-five percent (85%) of the development costs, or eighty-five percent (85%) of the value of the property secured by the mortgage as determined by at least two (2) appraisers who are independent of the sponsors, builders and developers;*

(26) To make grants from appropriated funds, agency and trust funds, and any other funds from any source available to the corporation, to sponsors, builders, developers, municipalities, local housing authorities and to owners of residential housing for the development, construction, rehabilitation or maintenance of residential housing and such facilities related thereto as corporation shall deem important for a proper living environment, all on such terms and conditions as may be deemed appropriate by the corporation; and

(27) To make periodic grants to reduce principal and interest payments on mortgages or rentals payable by persons and families of low income.

(28) The Kentucky Housing Corporation shall be exempt from the regulations of the Department of Insurance and the laws of the Commonwealth relating thereto.

Section 3. KRS 198A.060 is amended to read as follows:

(1) The articles of incorporation, [or] association, *partnership or other governing documents* of any sponsor, builder or developer assisted under this chapter shall contain, in addition to other requirements of law:

(a) That the corporation, cooperative or association has been organized to provide housing facilities and such social, recreational, commercial and community facilities as may be incidental or appurtenant thereto for persons or families of lower income;

(b) That the operations of the corporation, cooperative or association may be supervised by the Kentucky Housing Corporation and that the corporation, cooperative or association shall enter into such agreements with the Kentucky Housing Corporation as the Kentucky Housing Corporation from time to time requires, providing for regulation by the Kentucky Housing Corporation of the planning, development and management of any residential housing undertaken by the corporation, cooperative or association and their disposition of the property and franchises;

(c) That the Kentucky Housing Corporation shall have the power to appoint to the board of directors of the corporation, cooperative or association a number of new directors, which number shall be sufficient to constitute a majority of the board, if the corporation, cooperative or association has received a loan or advance under this chapter and the Kentucky Housing Corporation determines that the loan or advance is in jeopardy of not being repaid, or that the residential housing for which the loan or advance was made is in jeopardy of not being constructed.

(2) The articles of incorporation, [or] association, *partnership or other governing documents* of any limited dividend corporation, [or] association *or entity* of any sponsor, builder or developer assisted under this chapter shall provide, in addition to other requirements of law, that every stockholder or member shall be deemed to have agreed that he shall not receive from the corporation, [or] association *or entity* in repayment of his investment any sums in excess of the face value of the investment attributable to his respective interest plus cumulative dividend payments at such rate as the Kentucky Housing Corporation deems to be reasonable and proper [, computed from the initial date upon which moneys were paid or property delivered in consideration for the interest and upon dissolution of the limited dividend corporation or association any surplus in excess of such amounts shall be paid to the Kentucky Housing Corporation].

Section 4. KRS 198A.080 is amended to read as follows:

(1) There is hereby created and established a special revolving loan fund to be known as the Housing Development Fund and to be administered by the corporation as a trust fund separate and distinct from any other moneys or funds administered by the corporation.

(2) The Housing Development Fund shall be comprised of and the corporation is hereby authorized to receive and accept for the Housing Development Fund the proceeds of grants, contributions, appropriations, repayment of loans made from the fund, the proceeds of fund notes and any other monies which may be made available to the corporation for the purposes of the Housing Development Fund from any other source. The corporation is hereby authorized to receive and accept from any source whatever any grants or contributions for the Housing Development Fund. The corporation is further authorized to provide for the issuance, at one time or from time to time, of Housing Development Fund notes for the purpose of providing funds for such Fund; provided, however, that not more than $5,000,000 fund notes shall be outstanding at any one time. The principal of and the interest on any such fund notes shall be payable solely from the Housing Development Fund. The fund notes of each issue shall be dated, shall mature at such time or times not exceeding ten years from their date or dates, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be determined by the corporation. The corporation shall determine the form and manner of execution of the fund notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations and the place or places of payment of principal and interest, which may be any bank or trust company within or without the state or any agent, including the lender. In case any officer whose signature or a facsimile of whose signature shall appear on any fund notes or coupons attached thereto shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The fund notes may be issued in coupon or in registered form, or both, as the corporation may determine, and provision may be made for the registration of any coupon fund notes as to principal alone and also as to both principal and interest, and for the reconversion into coupon fund notes of any fund notes registered as to both principal and interest, and for the interchange of registered and coupon fund notes. Any such fund notes shall bear interest at such rate or rates as may be determined by the corporation and may be sold in such manner, either at public or private sale, and for such price as the corporation shall determine to be for the best interest of the corporation and best effectuate the purposes of this chapter.

(3) The proceeds of any fund notes shall be used solely for the purposes for which issued and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide in the resolution authorizing the issuance of such fund notes. The corporation may provide for the replacement of any fund notes which shall become mutilated or shall be destroyed or lost.

(4) Fund notes may be issued under the provisions of this section without obtaining the consent of any department, division, commission, board, body, bureau or agency of the state, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this chapter and the provisions of the resolution authorizing the issuance of such fund notes.

(5) The purpose of the Housing Development Fund is to provide a source from which the corporation may make [temporary] loans *and grants*, and the corporation is authorized to make [temporary] loans *and grants* from the Housing Development Fund, at such interest rate or rates as may be determined by the corporation to be for the best interest of the corporation and best effectuate the purpose of this chapter, and with such security for repayment as the corporation deems reasonably necessary and practicable, to:

(a) Defray development costs of sponsors, builders and developers of residential housing, or

(b) Provide to persons and families of lower income who are applying for mortgages, *either for purchase or rehabilitation of residential housing* the amounts required to make down payments, *pay closing costs* [and pay closing costs], or *make interest payments, or*

(c) Make or participate in the making of construction loans which are not federally insured to sponsors, builders and developers of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions.

(6) No temporary loans shall be made by the corporation from the Housing Development Fund except in accordance with a written agreement which shall include, without limitation, the following terms and conditions:

(a) The proceeds of such loan shall be used only for the purpose for which such loan shall have been made as provided in the agreement;

(b) Such loan shall be repaid in full as provided in the agreement;

(c) All repayments in connection with a loan to defray development costs shall be made concurrent with receipt by the borrower of the proceeds of a construction loan or mortgage loan, as the case may be, or at such other times as the corporation deems reasonably necessary or practicable; and

(d) Such security for repayment shall be specified and shall be upon such terms and conditions as the corporation deems reasonably necessary or practicable to insure all repayments.

(7) No funds from the Housing Development Fund shall be used to carry on propaganda or otherwise attempt to influence legislation.

SECTION 5. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO READ AS FOLLOWS:

(1) The corporation may make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making residential mortgage loans.

(2) The corporation shall from time to time adopt, modify, amend or repeal rules and regulations governing the making of loans to mortgage lenders and the use of the proceeds thereof, including rules and regulations as to any or all of the following:

(a) procedures for the application or submission of requests for loans to mortgage lenders;

(b) standards and requirements as to allocations of loans among all or certain of the mortgage lenders or awards of loans and determining the amounts and interest rates thereof;

(c) limitations or restrictions as to the number of family units, locations or other qualifications or characteristics of residential housing to be financed by residential mortgage loans;

(d) restrictions as to the interest rates on residential mortgage loans or the return realized therefrom by mortgage lenders;

(e) requirements with respect to the application of the proceeds of loans to mortgage lenders, including the time within which the proceeds of any such loan must be committed and disbursed for residential mortgage loans;

(f) schedules of any fees and charges necessary to provide for expenses and reserves of the corporation; and

(g) any other matters related to the duties and the exercise of the powers of the corporation under this section.

Such rules and regulations shall in each case be designed to effectuate the general purposes of this Act and the following specific objectives: (i) the expansion of the supply of funds in the state available for residential mortgage loans; (ii) the provision of the additional residential housing needed to remedy the shortage of adequate housing in the state and to eliminate the existence of a large number of substandard dwellings; and (iii) the effective participation by mortgage lenders in the program authorized by this Act and the restriction of the financial return and benefit thereto from such program to that necessary and reasonable to induce such participation.

(3) The obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond or other certificate of indebtedness, shall be subject to prepayment and shall contain such other provisions consistent with this section, all as the corporation shall by resolution determine.

(4) Any other provision of this section to the contrary notwithstanding, the interest rate or rates and other terms of the loans to mortgage lenders made from the proceeds of any issue of bonds of the corporation shall be at least sufficient to assure the payment of said bonds and the interest thereon as the same become due from the amounts received by the corporation in repayment of such loans and interest thereon.

(5) The corporation may require that such loans to mortgage lenders be additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security in such amounts as the corporation by resolution shall determine to be necessary to assure the payment of such loans and the interest thereon as the same become due. Such collateral security shall consist of (i) direct obligations of, or obligations guaranteed by, the United States of America; (ii) bonds, debentures, notes or other evidences of indebtedness, satisfactory to the corporation, issued by any of the following federal agencies: Banks for Cooperatives, Federal Intermediate Credit Banks, Federal Home Loan Banks, Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association or the Government National Mortgage Association; (iii) direct obligations of or obligations guaranteed by the state; or (iv) mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payments of principal and interest. The corporation may require in the case of any or all mortgage lenders that such collateral be lodged with a bank or trust company located in the state designated by the corporation as custodian therefor. In the absence of such requirement a mortgage lender shall upon receipt of the loan proceeds from the corporation enter into an agreement with the corporation containing such provisions as the corporation shall deem necessary to adequately identify and separately maintain such collateral and service the same and providing that such mortgage lender shall hold such collateral as an agent for the corporation and shall be held accountable as the trustee of an express trust for the application and disposition thereof and the income therefrom solely to the uses and purposes in accordance with the provisions of such agreement. A copy of

each such agreement and any revisions or supplements thereto shall be filed with the secretary of state, and no further filing or other action under Article 9 of KRS Chapter 355 or any other law of the state shall be required to perfect the security interest of the corporation in such collateral or any additions thereto or substitutions therefor, and the lien and trust for the benefit of the corporation so created shall be binding from and after the time made against all parties having claims of any kind in tort, contract or otherwise against such mortgage lender. The corporation may also establish such additional requirements as it shall deem necessary with respect to the pledging, assigning, setting aside, or holding of such collateral and the making of substitutions therefor or additions thereto and the disposition of income and receipts therefrom.

(6) The corporation shall require the submission to it by each mortgage lender to which the corporation has made a loan of evidence satisfactory to the corporation of the making of residential mortgage loans as required by this section and prescribed by rules and regulations of the corporation and in connection therewith may inspect the books and records of such mortgage lender.

(7) All residential mortgage loans made as required by this Section shall comply with the applicable provisions of the laws of the state, and, where federal law or the law of another jurisdiction governs the affairs of the mortgage lender, with the applicable provisions of such law.

(8) The corporation may require agreement by any mortgage lender as a condition of the loan to such mortgage lender, to the payment of penalties to the corporation for violation by the mortgage lender of any provision of this section or its undertaking to the corporation with respect to the making of residential mortgage loans, and such penalties shall be recoverable at the demand of the corporation.

(9) If at any time the corporation shall determine that an adequate supply of funds exists in regular banking channels for residential mortgage loans, the corporation shall discontinue the making of loans to mortgage lenders until such time as the corporation may subsequently determine that the supply of funds available for new residential mortgage loans is again inadequate.

(10) For purposes of this section, the term "residential mortgage loan" means a loan made by a mortgage lender and secured by a mortgage constituting a first lien upon residential housing.

Amend printed copy of Senate Committee Substitute for **HB 35** as follows:

Page 1, the title by deleting same and inserting in lieu thereof "AN ACT relating to the Kentucky housing corporation."

Agreed.

The House will ask the Senate to recede from its Amendments to **HB 35.**

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 436:**

Amend printed copy of **HB 436** as follows:

On page 1, line 14 delete following the word "section": "213*(b)(10)* [(6)] *and*"

and on lines 15 and 16 delete the words: "*or to employes being compensated in accordance with section 207 (m) of Title 29, U.S.C.*"

On page 1, following line 16 add:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

In effectuating the purposes of this chapter no employer, as defined in KRS 344.030, shall establish any employment practices affecting the terms, conditions, and privileges of employment in derogation of an established seniority system or which contravenes an existing collective bargaining agreement."

On page 1, title, by amending the title to read as follows:

"AN ACT relating to fair labor standards."

Agreed.

Representative B. Richardson moved that **HB 436,** as amended, be passed.

On the roll call the vote was yeas 54-Ackerson, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Brinkley, Carpenter, Cooper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, King, Lindsay, Little, Mann, Mason, Maynard, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, B. Richardson, Romines, Sale, Siemens, Siler, Thomas, Wible, Wooden, Wright, Yates. Nays 22-B. Adams, W. Allen, Arnold, Bevins, Blair, Clarke, Craddock, Crupper, Denham, Fitzgerald, Freeman, Hancock, Head, Hurst, Kidd, LeMaster, May, McBee, Robinson, Stephens, Tobin, White.

**HB 436,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 436,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 321:**

Amend printed copy of **HB 321** as follows:

page 2, after line 17, by adding:

"Section 2. KRS 177.830 is amended to read as follows:

As used in KRS 177.830 to 177.890 *and this Act*, unless the context requires otherwise:

(1) "Limited-access highway" means a road or highway or bridge constructed pursuant to the provisions of KRS 177.220 through 177.310;

(2) "Interstate highway" means any highway, road, street, access facility, bridge or overpass which is designated as a portion of the national system of interstate and defense highways as may be established by law, or as may be so designated by the department of *transportation* [highways] in the joint construction of the system by the department of *transportation* [highways] and the United States department of transportation, bureau of public roads;

(3) "Federal-aid primary highway" means any highway, road, street, appurtenant facility, bridge or overpass which is designated as a portion of the federal-aid primary highway system as may be established by law or as may be so designated by the department of *transportation* [highways] and the United States department of transportation;

(4) "Turnpike" means any road or highway or appurtenant facility constructed pursuant to the provisions of KRS 177.390 through 177.570, or pursuant to the provisions of any other definition of "turnpike" in the Kentucky Revised Statutes, or any other highway, road, parkway, bridge or street upon which a toll or fee is charged for the use of motor vehicular traffic;

(5) "Advertising device" means any billboard, sign, notice, poster, display or other device intended to attract the attention of operators of motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction;

(6) "Highway or highways" as used in KRS 177.830 to 177.890 means limited access highway, interstate highway, federal-aid primary highway, or turnpike as defined in KRS 177.830 to 177.890;

(7) "Commercial or industrial zone" adjacent to a federal-aid primary highway means an area zoned to permit business, commerce or trade pursuant to lawful ordinance or regulation;

(8) "Unzoned commercial or industrial area" adjacent to a federal-aid primary highway means an area which is not zoned by state or local law, regulation or ordinance and on which either a commercial or industrial activity is conducted or a permanent structure therefor is located together with the area extending along the highway for such distances as may be determined by regulation promulgated by the *secretary of transportation* [commissioner of highways]. Each side of the highway will be considered separately in

applying this definition—all measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel the edge of the pavement of the highway;

(9) "Commercial or industrial activities" for purposes of unzoned industrial and commercial areas means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(c) Activities normally or regularly in operation less than three (3) months of the year;

(d) Transient or temporary activities;

(e) Activities not visible from the main traveled way;

(f) Activities more than 300 feet from the nearest edge of the right of way;

(g) Activities conducted in a building principally used as a residence;

(h) Railroad tracks and minor sidings.

*(10) "Urban areas" means those areas which the secretary of transportation, in the exercise of his sound discretion and upon consideration being given to the population within boundaries of an area and to the traveling public, determines by official order to be urban; provided, however, that any such determination or designation of the secretary shall not, in any way, be at variance with the federal law or regulation thereunder or jeopardize the allotment or qualification for federal-aid funds of the Commonwealth of Kentucky.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided in KRS 177.830 to 177.890, the erection or maintenance of any advertising device upon or within 660 feet of the right of way of any interstate highway or federal-aid primary highway is prohibited.

(2) The erection or maintenance of any advertising device located outside of an urban area and beyond 660 feet of the right of way which is legible and/or identifiable from the main traveled way of any interstate highway or federal-aid primary highway is prohibited with the exception of:

(a) Directional and official signs and notices;

(b) Signs advertising the sale or lease of property upon which they are located; or

(c) Signs advertising activities conducted on the property on which they are located.

Section 4. KRS 177.840 is hereby repealed.

Section 5. Whereas this Act prohibits the construction of billboards near certain highways after its effective date and authorizes the state to purchase those billboards erected prior to the Act's effective date, an emergency is declared to exist, and this Act shall become effective upon passage and approval of the Governor."

Amendment 2:

Page 2, after line 17, by adding the following:

"Section 2. KRS 177.867 is amended to read as follows:

(1) The commissioner of highways is authorized to acquire by purchase, gift, or condemnation pursuant to KRS chapter 177 and shall pay just compensation upon the removal of the following advertising devices:

(a) Those lawfully in existence on October 22, 1965;

(b) Those lawfully on any highway designated a part of the interstate or federal-aid primary system on or after October 22, 1965, and before January 1, 1968; [and]

(c) Those lawfully erected on or after January 1, 1968*; and* [.]

*(d) Those lawfully in existence on January 1, 1976.*

(2) Compensation shall be paid for the following:

(a) The taking from the owner of any such advertising device of all right, title, leasehold, and interest in such advertising device; and

(b) The taking from the owner of the real property on which the advertising device is located, of the right to erect and maintain such advertising devices thereon."

On the roll call the vote was yeas 21-Bruce, Craddock, Dawahare, DeFalaise, Denham, Donnermeyer, Dunn, Guenthner, Head, Imes, Isler, Kenton, King, LeMaster, Mason, Morgan, Nett, Pearl, B. Richardson, Sale, White. Nays 55-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Burnette, Carpenter, Clarke, Cooper, Crupper, Cyrus, Deskins, Dietz, Doss, Fitzgerald, Floyd, Foster, Gray, Hancock, Hardwick, Holbrook, Hopkins, Hughes, Hurst, Jones, Lindsay, Little, Mann, May, McBride, McGill, Muncy, O'Brien, Overstreet, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Siler, Stephens, Tobin, Thomas, Vincent, Wible, Wooden, Wright, Yates.

The motion that the House concur in the Senate Amendment to **HB 321** was rejected.

The House will ask the Senate to recede from its Amendment to **HB 321.**

Representative B. Richardson moved that the House concur in the following Senate Amendments to **HB 371:**

**HB 371,** AN ACT relating to licensing of hearings aid specialists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 334.010 is amended to read as follows:
As used in this chapter, unless the context otherwise requires:
(1) "Board" means the board for licensing hearing aid dealers and fitters.
(2) "License" means a license issued by the state under this chapter to hearing aid dealers and fitters.
(3) "Temporary permit" means a permit issued while the applicant is in training to become a licensed hearing aid dealer or fitter.
(4) "Hearing aid" means any wearable instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device.
(5) "Practice of fitting and dealing" in hearing aids shall mean the measurement of human hearing by means of an audiometer or by other means devised for the purpose of making selections, adaptions and sales of hearing aids to compensate for hearing loss. The term also includes the making of ear molds.
(6) "Sell or sale" shall mean any transfer of title or of the right to use by lease, bailment, or any other contract.
*(7) A used or not new hearing aid is one which has been the subject of a sale and the title to which was held by the licensee for a period longer than thirty days.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 334 IS CREATED TO READ AS FOLLOWS:

(1) It is unlawful for an individual licensed under this chapter to sell or dispense a hearing aid to any person unless within the preceding ninety (90) days:

(a) The person has been examined by and received a written, signed, and dated approval for a hearing aid from a duly licensed physician. The written approval shall include, but not be limited to, a statement that the person examined has no known ear diseases or conditions of the ear which might make the fitting and wearing of a hearing aid useless, or harmful to the person's health, or which might interfere with the proper fitting and wearing of a hearing aid; and,

(b) The person has received a hearing aid evaluation, and a written, signed, and dated recommendation for a hearing aid from a physician or an audiologist licensed or authorized to practice audiology pursuant to KRS 334A. The written recommendation may take the form of a specific recommendation as to the make and model of a hearing aid or may include a listing of specifications for a hearing aid.

(c) Any person eighteen (18) years of age or older may elect to sign a waiver to the requirements of this section for a hearing aid evaluation before the purchase of a hearing aid. The waiver shall be on a separate sheet of paper, shall be read to the prospective purchaser of a hearing aid, and shall recite: "I am eighteen (18) years old or older, and I voluntarily sign this waiver which indicates that I do not wish to have a hearing aid evaluation by a physician or an audiologist prior to purchasing this hearing aid(s)."

(2) No physician conducting an examination for an approval or hearing aid evaluation, or an audiologist conducting a hearing aid evaluation, under this section shall have a direct or indirect interest in any business concern controlled by, or employing, a licensee solely for the purpose of engaging in the fitting or sale of hearing aids for profit.

(3) Any person licensed to sell hearing aids under this chapter shall maintain for not less than three (3) years, in a file under the name of the person to whom a hearing aid was sold, a true copy of the written approval pursuant to subsection (1)(a) of this section; and a true copy of the written recommendation for a hearing aid pursuant to subsection (1)(b) of this section or the waiver of such written recommendation pursuant to subsection (1)(c) of this section; and a true copy of the receipt given the person, pursuant to KRS 334.030(1).

Section 3. KRS 334.030 is amended to read as follows:

*(1) Any person who practices the fitting and sale of hearing aids must present to each buyer of a hearing aid, at the time such buyer assumes any financial obligation with respect to the purchase, and obtain the buyer's signature to a written and dated agreement, offer to purchase, or receipt which shall contain the following information:*

*(a) Licensee's signature, and printed name and business address, and license number issued to the licensee by the board pursuant to this chapter;*

*(b) Immediately following the information required by subsection (a), shall be the statement, in all capital letters in no smaller type than the largest used in the body copy portion, that: ANY COMPLAINTS CONCERNING THE SALE OR SERVICE OF THIS HEARING AID WHICH ARE NOT CORRECTED BY THE HEARING AID DEALER SHOULD BE DIRECTED TO: KENTUCKY BOARD FOR LICENSING, HEARING AID DEALERS, Commonwealth of Kentucky, Frankfort, Kentucky 40601.*

*(c) Specifications as to the make and model number of the hearing aid furnished, with full terms of sale clearly stated. If a hearing aid which is not new is offered for sale or is sold, that fact shall be clearly and conspicuously disclosed in the oral sales presentation before the buyer assumes any financial obligation with respect to the purchase, and the receipt and the container in which the hearing aid is packaged must be clearly marked as "used", "reconditioned", or "not new", whatever is applicable, with terms of guarantee, if any.*

*(d) Notice and statement of the purchaser's thirty (30) day right to cancel pursuant to the requirements of Section 3 of this Act.*

[(1) Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain the licensee's signature, and show his printed name and business address and the number of his certificate, together with specifications as to the make and model of the hearing aid furnished, with full terms of sale clearly stated. If an aid which is not new is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned," whichever is applicable, with terms of guarantee, if any.]

*(e)* [(2)] Such *written agreement, offer to purchase, or* receipt shall bear in no smaller type than the largest used in the body copy portion the following: "The purchaser has been advised at the outset of his relationship with the hearing aid dealer that any examination(s) or representation(s) is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore must not be regarded as medical opinion or advice."

*(3) No person who practices the fitting and sale of hearing aids shall visit the home or place of business of a potential buyer for the purpose of soliciting or inducing a sale of a hearing aid without having obtained,*

*prior to any visit, the expressed written consent of such potential buyer to such a visit. Such consent shall clearly and conspicuously state that such potential buyer is aware that the hearing aid dealer may attempt to sell a hearing aid during such visit. The board may promulgate regulations prescribing a particular form for the written consent.*

[(3) Any person engaging in the fitting and sale of hearing aids will, when dealing with a minor, ascertain whether the minor has been examined by an otolaryngologist and an audiologist holding a certificate of clinical competence for their recommendations within 90 days prior to the fitting. If such not be the case, a recommendation to do so prior to sale of the aid must be made and this fact noted on the receipt. All examinations performed shall be listed on receipt.]

SECTION 4. A NEW SECTION OF KRS CHAPTER 334 IS CREATED TO READ AS FOLLOWS:

(1) The buyer of a hearing aid has the right to cancel such purchase for any reason at any time prior to midnight of the thirtieth (30th) calendar day after actual receipt of the hearing aid.

(2) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the notice and statement of the buyer's right to cancel provided for in subsection (5) of this section.

(3) Notice of cancellation, if given by mail, is given when it is deposited in the mail properly addressed and postage prepaid.

(4) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by a form of written expression the intention of the buyer not to be bound by the hearing aid sale.

(5) In the sale of a hearing aid, the seller must present to each buyer, at the time such buyer assumes any financial obligation with respect to the purchase of a hearing aid, a written notice and statement of the buyer's right to cancel which must:

(a) Appear under the conspicuous caption; "BUYER'S RIGHT TO CANCEL WITHIN 30 DAYS," and

(b) Contain the following specific statement in all capital letters in no smaller type than the largest used in the body copy portion of the written agreement, offer to purchase, or receipt: "THE BUYER HAS THE RIGHT TO CANCEL THIS PURCHASE FOR ANY REASON AT ANY TIME PRIOR TO MIDNIGHT OF THE 30TH CALENDAR DAY AFTER ACTUAL RECEIPT OF THE HEARING AID(S). YOU MAY CANCEL THE PURCHASE BY NOTIFYING THE SELLER THAT YOU DO NOT WANT THE HEARING AID(S) BY MAILING A NOTICE BEFORE-----------------TO THE SELLER AT:

______________________________________

______________________________________

UPON CANCELLATION, THE SELLER MAY KEEP THE FOLLOWING CANCELLATION CHARGES:

$________CANCELLATION FEE
$________CUSTOM EAR MOLD(S)
$________BATTERIES
$________TOTAL

(6) The seller shall enter on the notice and statement required by subsection (5) the date which is thirty (30) calendar days from the date on which the buyer receives the hearing aid(s) excluding the date of purchase; the seller's full name and address; and the cancellation charges allowed by subsection (10) below.

(7) Until the seller has complied with this section, the buyer may cancel the purchase by notifying the seller in any manner and by any means of his intention to cancel.

(8) Within fifteen (15) days after the date of notice of cancellation by the buyer, the seller must tender to the buyer any payments made by the buyer and terminate all financial obligations created in connection with the purchase of the cancelled hearing aid by the buyer.

(9) If payment by the buyer includes any goods or property traded in, the goods or property must be tendered to the buyer in substantially as good condition as when they were received by the seller. If the seller fails to tender the goods or property as provided by this subsection, the buyer may elect to recover an amount equal to the trade-in allowance for such goods or property.

(10) The seller may retain as a cancellation fee an amount not to exceed fifteen dollars ($15) plus five (5) percent of the total price charged by the seller for the fitting and sale of the hearing aid, excluding any cancellation charges for any custom ear mold or batteries specifically stated in the notice and statement required by subsection (5) above. The cancellation charges for any custom ear mold and batteries shall not exceed twice the actual purchasing cost of such ear mold and/or batteries to the seller or the seller's regular selling price for such ear mold and/or batteries, whichever is less.

(11) The provisions of this section shall not apply to a sale of a hearing aid made pursuant to a written recommendation of a specific hearing aid by serial number or by specific made and model, made by a physician or an audiologist who receives no direct or indirect financial compensation from the seller for such recommendation or for services rendered in connection with such recommendation; or to a sale made to replace a damaged or unworkable hearing aid when the replacement hearing aid which is sold is identical to such damaged or unworkable hearing aid.

(12) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of all goods or property delivered to him by the seller and has a lien on the goods or property in his possession or control for any recovery to which he is entitled.

(13) After the purchase of a hearing aid has been cancelled and the seller has completely fulfilled all his obligations under this section, the buyer upon demand must tender to the seller any goods or property delivered by the seller pursuant to the sale.

(14) The buyer has a duty to take reasonable care of the goods in his possession before cancellation and for a reasonable time thereafter until delivered to the seller.

(15) Any waiver by the buyer of rights provided in this section is null and void, and will not operate to relieve the seller of any obligation placed upon him by this section.

(16) Nothing in this section shall in any way limit the right to cancel home solicitation sales, pursuant to KRS 367.410 to 367.460.

Section 5. KRS 334.120 is amended to read as follows:

*(1) Any person desiring to make a complaint against a licensee under this chapter shall reduce the same to writing and file the complaint with the board. A copy of all complaints received by the board shall be given to the division of consumer protection of the office of the attorney general. The board shall conduct an investigation into all such complaints. The board may require that the licensee file a statement or report in writing as to the facts and circumstances concerning the complaint together with such other information, material, or data, as may be reasonable, related thereto. The board may request the assistance of the attorney general in connection with such an investigation. If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensees complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee at least twenty (20) days before the date set for hearing at the last known address. Continuances or adjournment of hearing date shall be made if for good cause. The provisions of this Act shall in no way limit the jurisdiction and authority of the attorney general to take any necessary action under the Kentucky Consumer Protection Act, KRS 367.110 to 367.300.*

[(1) Any person wishing to make a complaint against a licensee under this chapter shall reduce the same to writing and file this complaint with the board within one (1) year from the date of the action upon which the complaint is based. If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee at least twenty (20) days before the date set for hearing at the last known address. Continuances or adjournment of hearing date shall be made if for good cause.]

(2) Any person registered under this chapter may have his license revoked or suspended for a fixed period by the board for any of the following causes:

(a) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of conviction, or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(b) Procuring of license by fraud or deceit practiced upon the board.

(c) Unethical conduct, including:

1. The obtaining of any fee or the making of any sale by fraud or misrepresentation;

2. Employing directly or indirectly any suspended or unregistered person to perform any work covered by this chapter;

3. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;

4. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;

5. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic," "clinical audiologist," or "state licensed," "state approved" or similar words, abbreviations or symbols which give the impression that service is being provided by persons trained in medicine or audiology, or that the licensee's service is state recommended when such use is not accurate;

[6. Habitual intemperance;]
[7. Gross immorality;]
*6.* [8.] Permitting another's use of a license;
*7.* [9.] Advertising a manufacturer's product or using a manufacturer's name or trade-mark which implies a relationship with the manufacturer that does not exist; or
*8.* [10.] Directly or indirectly giving or offering to give, or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing persons to refrain from dealing in the products of competitors.
(d) Conducting business while suffering from a contagious or infectious disease.
(e) Engaging in the fitting and sale of hearing aids under a false name, or alias.
(f) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids.
(g) Gross incompetence or negligence in fitting and selling hearing aids.
(h) Advertising professional methods or professional superiority.
(i) Violating any provisions of this chapter.

Section 6. KRS 334.150 is amended to read as follows:
The powers and duties of the board are as follows:
(1) To authorize all disbursements necessary to carry out provisions of this chapter.
(2) To prepare and administer qualifying examinations to test the knowledge and proficiency of applicants for licensing.
(3) To register persons who apply to the board and who are qualified to practice the fitting of hearing aids.
(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for licensing.
(5) To issue and renew licenses and certificates of endorsement.
(6) To suspend or revoke licenses and certificates of endorsement pursuant to this chapter.
(7) To appoint representatives to conduct or supervise the examination of applicants for licensing.
(8) To designate the time and place for examining applicants or certificates.
(9) To make and publish rules and regulations not inconsistent with the laws of this Commonwealth which are necessary to carry out the provisions of this chapter.
(10) To require the periodic inspection of audiometric testing equipment and to carry out the periodic inspection of facilities of persons who practice the fitting of hearing aids.
(11) *To employ necessary personnel. The board may employ, or discharge at its discretion, such secretaries, attorneys, inspectors, clerks, or any other employes as the board may deem necessary to carry out the provisions of this chapter.* [To appoint or employ subordinate employes.]
*(12) To initiate a formal educational program consistent with the intent of this chapter in that the consumer public shall be served by the hearing aid specialist trained in the latest technology in fitting and dispensing of hearing instruments.*
*(13) To administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have by resort to a court of competent jurisdiction the power to invoke the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.*

Amend printed copy of Senate Committee Substitute for **HB 371** as follows:

On page 3, line 8, after the word "requirements" insert "of subsections (a) and (b)"

and on line 9, by deleting the words "for a hearing aid evaluation"

and on page 1, the title, by deleting same and inserting in lieu thereof "AN ACT relating to the sale of and practice of fitting hearing aids."

Agreed.

Representative B. Richardson moved that **HB 371**, as amended, be passed.

On the roll call the vote was yeas 66-Ackerson, B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Clapp, Clarke, Cooper, Craddock, Crupper, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Siemens, Stephens, Tobin, Thomas, Vincent, Wible, Wooden, Wright, Yates. Nays 15-A. S. Adams, W. Allen, Boatwright, Brinkley, Burnette, Carpenter, DeFalaise, Denham, Freeman, Holloway, Morris, Pearl, Robinson, Siler, White.

**HB 371,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 371,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 20:**

Amend printed copy of **HB 20** as follows:

On page 4, delete all of lines 19 through 26; and on page 5, delete all of lines 1 through 15; renumber subsequent sections

On page 24, following line 25, by adding the following new section:

"SECTION 25. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

Nothing in KRS Chapter 324 shall be construed to apply to a person engaged solely in the business of compiling and categorizing information concerning the location and availability of real property which may be leased or rented and who furnishes such information to prospective tenants for a fee."

Agreed.

Representative B. Richardson moved that **HB 20,** as amended, be passed.

On the roll call the vote was yeas 58-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Bruce, Craddock, Crupper, Dawahare, DeFalaise, Deskins, Donnermeyer, Doss, Dunn, Givhan, Hancock, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Richards, P. Richardson, Sale, Schmidt, Siemens, Stephens, Tobin, Thomas, Wells, Wible, Wooden, Wright, Yates. Nays 21-A. S. Adams, W. Allen, Boatwright, Burnette, Clarke, Cooper, Cyrus, Denham, Fitzgerald, Foster, Gray, Hardwick, Holloway, Hurst, Kenton, Pearl, Rattliff, B. Richardson, Robinson, Siler, White.

**HB 20,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 20,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Senate Message

The following letter was received in regard to **HB 716:** The Senate has refused to recede from its Amendment to **HB 716** and has appointed a Conference Committee as follows: Senators Middleton, Sheehan, and Johnson. The Senate further requests that a like Committee be appointed in the House for conference on the bill.

## Orders of the Day (continued)

Representative B. Richardson moved that the House concur in the following Senate Amendments to **HB 568:**

**HB 568,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

(1) Upon the filing of a claim the director shall ascertain whether the employer, or any other person against whom a claim is filed and who is not exempt by KRS 342.630 or KRS 342.650, has secured payment of compensation by either securing insurance coverage or qualifying as a self insurer pursuant to KRS 342.340. Upon determination that any employer under this chapter has failed to comply with the provisions of KRS 342.340, the director shall record, as provided by subsection (2), a certificate prepared and furnished him by a representative of the Uninsured Employers' Fund showing the date on which such claim was filed, the date of the injury alleged, the name and last known address of the employer against whom it was filed, and the fact that the employer has not secured the payment of compensation as required. Upon recordation, such certificate constitutes a valid lien against the assets of the employer in favor of the Uninsured Employers' Fund for the whole amount which may be due as compensation. Such lien shall be superior to the lien of any mortgage or other encumbrance thereafter created and shall continue for 10 years from the time of such recording unless sooner released or otherwise discharged. A copy of such certificate shall be served upon the employer by the director.

(2) The certificate constituting a lien in favor of the Uninsured Employers' Fund shall be filed in the following offices:

(a) The office of the County Court Clerk of the county in which the defendant employer resides.

(b) The office of the County Court Clerk of the county in which the defendant employer has its principal place of business.

(c) The office of the County Court Clerk in the counties where such employers' property is located.

SECTION 2. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

A claimant may, in the original application for benefits, or any party may, by motion accompanied by proper allegations while the case is still pending, and the Board shall, upon its own motion at any time before the rendition of the final award, cause the Uninsured Employers' Fund to be made a party to the proceedings if it should appear that the named defendant has failed to secure the payment of compensation as required by KRS 342.340.

SECTION 3. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

When an award is made against an employer who (1) has not secured payment of compensation by either securing insurance coverage or qualifying as a self insurer, and (2) has not made a deposit of security, indemnity or bond acceptable to the board to secure the payment of compensation liability and (3) has failed to make payment of compensation according to the terms of such award, the award shall constitute a liquidated claim for damages against such employer in an amount commuted to a lump sum which will equal the present value of the total sum of the probable future payments discounted at four percent (4%) true discount compounded annually on each payment, which amount is to be ascertained and fixed by the board, and the director shall certify the same to the Attorney General who shall forthwith institute a civil action against such employer in the name of the state for the collection of such award. In such action it shall be sufficient for plaintiff to set forth a copy of the award of the board relative to such claim as certified by the director and to state that there is due to plaintiff on such account of such opinion, order or award of the board a specified sum which plaintiff claims with interest. A certified copy of such award in such claim shall be attached to the complaint and constitutes prima facie evidence of the truth of the facts therein contained.

SECTION 4. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

The workmen's compensation board, the director, or his authorized representative, upon showing a certification of noncompliance, may temporarily restrain or temporarily or permanently enjoin the further operation of any employer covered by the Act. Such action shall be brought in Franklin Circuit Court.

Section 5. KRS 342.230 is amended to read as follows:

(1) Upon the recommendation of the director, the board, within the limits of appropriations therefor, shall establish and fill any positions, including medical services and advice, necessary to carry on the board's work.

(2) The governor shall appoint a director of the board who shall have immediate supervision of the employes of the board, [and] perform such duties as are assigned him, *and have complete authority to carry out all the administrative functions of the division of workmen's compensation.* The director shall be an attorney who has been admitted to practice law in Kentucky and shall have practiced law for at least three (3)

years. He shall keep and be the custodian of the records of the board, shall annually report the activities of the board to the governor, and shall devote his full time to the duties of his office. He shall receive a salary to be fixed by the governor.

(3) The governor shall appoint not more than *the number of* [fifteen (15)] hearing officers *authorized by regulation of the board,* each of whom shall be an attorney admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. These officers, upon the direction of the director or the board, shall conduct hearings, and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the director or the board except that such hearing officers shall not render final decisions, orders, or awards. However such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.

(4) The board may at any time recommend the removal of the director or any hearing officer upon filing with the governor a full written statement of its reasons for such removal.

Section 6. KRS 342.315 is amended to read as follows:

(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint not more than three (3) disinterested and duly qualified physicians or surgeons to make any necessary medical examination of the employe and to testify in respect thereto. Such physicians or surgeons shall file with the board within fifteen (15) days after such examination their joint report in writing. The physicians or surgeons shall be allowed a reasonable fee to be fixed by the board and paid out of the maintenance fund. *The board may also authorize the payment of the reasonable costs of x-rays, and a reasonable fee for any deposition given by such physicians or surgeons.* [, not exceeding seventy-five dollars ($75.00) for each examination and report, except that the board may allow additional reasonable amounts in extraordinary cases and the reasonable cost of X-rays, if any; the board may in its discretion allow a fee not in excess of twenty-five dollars ($25.00) for any deposition given by such physicians or surgeons.]

(2) The party filing the motion for an examination shall pay the necessary and reasonable traveling expenses incurred by the employe in submitting to such examination. If the examination is ordered on the board's own motion, then such traveling expenses shall be paid out of the maintenance fund.

SECTION 7. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

(1) Every employer subject to this chapter shall keep a record of all injuries fatal or otherwise, received by his employes in the course of their employment. Within one (1) week after the occurrence and knowledge, as provided in KRS 342.185 to 342.200, of an injury to an employe causing his absence from work for more than one (1) day, a report thereof shall be made in writing and mailed to the board on blanks procured from the board for the purpose.

(2) The report shall contain the name, nature, and location of the business of the employer and name, age, sex, wages, and occupation of the injured employe, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and any other information required by the board.

(3) Every employer or insurer subject to this chapter shall file additional reports as are required by the workmen's compensation board for the determination of the promptness of voluntary payment and validity and fairness of agreements. In addition, the board may require additional information as may be necessary to comply with a federal statute or regulation or any state statute.

(4) Upon the termination of the disability of the injured employe, or if the disability extends beyond a period of sixty (60) days, then also at the expiration of such period the employer shall make a supplementary report to the board on blanks procured from the board for the purpose.

Section 8. KRS 342.390 is amended to read as follows:

*Election to operate under this chapter if an employer is not mandatorily subject to the chapter shall be effected by the employer purchasing workmen's compensation insurance or qualifying as a self insured. The proof of election shall be the proof of insurance coverage provided for in KRS 342.340(2).*

[(1) Election to operate under this chapter shall be effected by the employer by filing with the board the following notice:

"(Name of employer) elects to operate under the workmen's compensation law (KRS chapter 342). This election is effective as of the day of ...."

(2) In addition each employer shall at the time of filing notice furnish the following information:

(a) Its location and address of chief office;

(b) Average number of employes during preceding twelve (12) months;

(c) Kind of business being conducted; and

(d) Method of securing payments of compensation to employes that the employer elects to adopt.

(3) The notice shall be in writing signed by the employer, if an individual, by any partner, if a partnership, or by the chief officer or agent within this state, if a corporation.

(4) The notice or a copy thereof certified by an authorized representative of the board may be used as evidence in any action by or against the employer in any court of this state of the facts therein shown and that the employer has elected to operate under this chapter.]

Section 9. KRS 342.395 is amended to read as follows:

*Where an employer is subject to this chapter* [In the event an employer elects to operate under this chapter], then every employe of such employer, as a part of his contract of hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the provisions of this chapter and shall be bound thereby unless he shall have filed, prior to the injury or incurrence of occupational disease, written notice to the contrary with the employer; and such acceptance shall include all of the provisions of this chapter with respect to traumatic personal injury, silicosis and any other occupational disease. *However, before an employe's written notice of rejection shall be considered effective, the employer must file the employe's notice of rejection with the workmen's compensation board. The workmen's compensation board shall not give effect to any rejection of this chapter not voluntarily made by the employe. If an employe withdraws his rejection, the employer shall notify the workmen's compensation board.*

Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this chapter. Any such employe, may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained or disease incurred less than one (1) week after the notice is filed.

Section 10. KRS 342.480 is amended to read as follows:

(1) All taxes and assessments imposed by KRS 342.450 and 342.475 shall be paid into the State Treasury and shall be credited to a maintenance fund for the board. The maintenance fund shall be used for ordinary recurring expenses of operation including the Division of Occupational Safety and Health and for *any other purpose allowed by statute* [no other purpose] and shall be expended by the board under the supervision of the Commissioner of Labor and by allotments made by the budgetary officer of the executive department for finance and administration. The fund shall not lapse at the end of any fiscal year.

(2) At such intervals as may be determined by the board, the director may compile and publish for distribution all or any part of its official proceedings, and may charge a subscription fee sufficient to defray the expenses of such operation.

*(3) If the commissioner of the executive department for finance and administration finds that there are insufficient funds in the maintenance fund to meet the needs and obligations of the division of occupational safety and health or the uninsured employers' fund, he shall advise the commissioner of revenue in writing of such fact. The commissioner of revenue shall then levy additional assessments against all insurance companies writing workmen's compensation insurance in Kentucky, including every employer carrying his own risk.*

*(4) The amount of each insurance company's assessment shall be in the proportion that each company's annual workmen's compensation premium writings in Kentucky bears to the total of all annual workmen's compensation premiums written in Kentucky. Such assessment will be based upon information contained in the insurance company's last filed annual statement with the department of insurance. Such assessments against every employer carrying his own risk will be based upon that proportion which the "adjusted cost" of such own risk carrier bears to the total "adjusted cost" of all such own risk carriers. "Adjusted cost" reports filed with the department of revenue in accordance with KRS 342.475 will be the basis of such determination. Such additional assessment against insurance companies and employers carrying their own risk shall be apportioned between the two classes as the total of premiums and the total "adjusted cost" each bears to the combined total.*

Section 11. KRS 342.730 is amended to read as follows:

(1) Income benefits for disability shall be paid to the employe as follows, subject to the maximum and minimum limits specified in KRS 342.740:

(a) For total disability, 55 per cent of *the state average weekly wage* [his] average weekly wage during such disability, and two and one-half per cent of *such* [his] average weekly wage for each dependent up to a maximum of three *but not to exceed the claimant's average weekly wage.*

(b) In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, or employe disabled by an occupational disease, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury or at the time the disability from an occupational disease began. The compensation paid therefor shall be 55 per cent of the *state average weekly wage as computed under KRS 342.740(2)* [average weekly earnings of the employe] at the time of his injury and two and one-half per cent of *such state* [his] average weekly wage at the time of injury for each dependent up to a maximum of three, [subject to the limitations contained in KRS 342.740,] multiplied by the percentage of disability caused by the injury or occupational disease, *but not to exceed the employe's benefits for total disability under KRS 342.730(a)*; provided, however, the individual entitled to benefits under permanent partial disability shall be entitled to compensation based on lost wages or body functional disability benefits, whichever is greater.

(c) For total permanent bodily loss or losses herein scheduled, after and in addition to the income benefits payable during the period of recovery, scheduled income benefits in the amount of 55 per cent of the average weekly wage as follows:

| BODILY LOSS | WEEKS OF DISABILITY |
|---|---|
| 1. Arm | 340 |
| 2. Leg | 340 |
| 3. Hand | 312 |
| 4. Foot | 216 |
| 5. Thumb | 86 |
| 6. Index Finger | 54 |
| 7. Middle Finger | 43 |
| 8. Ring Finger | 22 |
| 9. Little Finger | 16 |
| 10. Great Toe | 30 |
| 11. Second Toe | 20 |
| 12. Third Toe | 15 |
| 13. Fourth Toe | 8 |
| 14. Fifth Toe | 5 |
| 15. Total loss of binaural hearing | 156 |
| 16. Total loss of vision of one eye | 150 |
| 17. Total loss of bilateral vision | 520 |
| 18. Total loss, or total loss of use, of both hands, both arms, both feet or both legs | 520 |

19. Phalanges: For loss of distal phalanx, one-half of the income benefits for loss of the entire digit. For loss of more than the distal phalanx of a digit, the same as loss of the entire digit.

20. Two or more digits: For loss of two or more digits, or one or more phalanges of two or more digits, of a hand or foot, scheduled income benefits may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the scheduled income benefits for loss of a hand or foot.

21. Total loss of use: Scheduled income benefits for permanent total loss of use of a member shall be the same as for loss of the member.

22. Partial loss or partial loss of use: Scheduled income benefits for permanent partial loss of use of a member shall be for a period proportionate to the period benefits are payable for total loss or total loss of use of the member as such partial loss bears to total loss.

23. Loss of hearing or partial loss of bilateral vision: Scheduled income benefits for partial loss of vision in one or both eyes, or total loss of hearing in one ear, or partial loss of hearing in one or both ears shall be

for a period proportionate to the period benefits are payable for total bilateral loss of vision or total binaural loss of hearing as such partial loss bears to total loss. The provisions of paragraphs (d) to (h) of subsection (2) of this section shall apply to scheduled losses of hearing.

24. In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in subparagraphs 1. to 23. of this subsection, scheduled income benefits shall be for the loss of use of each such member or part thereof, with the periods of benefits to run consecutively.

25. Other losses: Proper and equitable scheduled income benefits shall be paid for serious permanent disfigurement of face, head, neck or other area normally exposed and for loss or loss of function of a major member or organ when such disfigurement or loss is of a kind likely to handicap the employe in securing or holding employment.

26. In any case of total or partial loss of use of a member or organ, of hearing or vision, or in any case of disfigurement, determination of the period for which scheduled income benefits are payable shall not be made until the maximum of healing and of restoration function has been attained.

27. If the effects of any of the injuries, or disabilities, from occupational diseases, or losses, mentioned in this section adversely affect a workman's ability to labor, or limit his occupational opportunities to obtain the kind of work he is customarily able to do; his compensation benefits shall not be limited to the amounts provided by this section, and he shall be awarded compensation benefits under some other applicable or appropriate section of this chapter which would provide more compensation benefits for his disability.

(2) Occupational deafness means permanent partial or permanent total loss of hearing of one or both ears caused by prolonged exposure to harmful noise in employment. The following provisions shall apply exclusively to loss of hearing compensable under this subsection:

(a) No claim for scheduled income benefits shall be heard until the lapse of six full consecutive calendar months after the termination of exposure to harmful noise in employment. The time limitation for the filing of claims for occupational deafness shall not begin to run earlier than the day following the termination date of such six months' period. The time for filing claim as provided under this paragraph shall be applicable not only in respect of the last employer, but also in respect of any prior employer who may have liability to pay compensation for the occupational deafness.

(b) No employer shall be liable for the payment of scheduled income benefits for occupational deafness unless the employe claiming benefits shall have worked for such employer in employment exposing the employe to harmful noise for a total period of at least 90 days.

(c) An employer, otherwise liable under this subsection, whose employment has contributed to any extent to an employe's occupational deafness shall be liable for the full extent of the deafness of the employe, unless such employer shall establish by competent evidence (including the results of a professionally controlled hearing test) the extent of the employe's deafness as it existed prior to exposure to harmful noise in the employer's employment. Upon such showing the employer shall be liable to the employe only for the proportion of the deafness attributable to employment by him. An employer liable to the employe for the full extent of the employe's occupational deafness may implead, in a compensation proceeding on the employe's claim, any prior employer or employers in whose employment the employe had been exposed to harmful noise, and if it should be found that the impleaded employer would have been liable to the employe under this subsection, had the employe proceeded against him, under the claim being adjudicated, the employer held liable shall be entitled to an award against the impleaded employer. The impleading of an employer shall be accomplished by notice on a form prescribed by the board. Such notice shall be sent to the impleaded employer and to the board. An award may be made in favor of the employer liable to the employe, and against the impleaded employer or employers, which award may be enforced in the same manner as awards to employes. The impleaded employer or employers shall bear equal shares with the employer of the employer's liability to the employe, unless the evidence warrants a different apportionment.

(d) Losses of hearing due to industrial noise for compensation purposes shall be confined to the frequencies of 500, 1,000, and 2,000 cycles per second. Loss of hearing ability for frequency tones above 2,000 cycles per second are not to be considered as constituting disability for hearing.

(e) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000, and 2,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 15 decibels or less in the three frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 82 decibels or more in the three frequencies, then the same shall constitute and be a total or 100 percent compensable hearing loss.

(f) In measuring hearing impairment, the lowest measured losses in each of the three frequencies shall be added together and divided by three to determine the average decibel loss. For every decibel of loss exceeding 15 decibels an allowance of one and one-half percent shall be made up to the maximum of 100 percent which is reached at 82 decibels.

(g) In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment.

(h) Before determining the percentage of hearing impairment, in order to allow for the average amount of hearing loss from non-occupational causes found in the population at any given age, there shall be deducted from the total average decibel loss, one-half decibel for each year of the employe's age over 40 at the time of last exposure to industrial noise.

(i) No consideration shall be given to the question of whether or not the ability of an employe to understand speech is improved by the use of a hearing aid.

(3) The period of any scheduled income benefits payable under this section on account of any injury shall be reduced by the period of income benefits paid or payable under this chapter on account of a prior injury if scheduled income benefits in both cases are for disability of the same member or function, or different parts of the same member or function, and the scheduled income benefits payable on account of the subsequent disability in whole or in part would duplicate the scheduled income benefits payable on account of the pre-existing disability.

*(4) When an employe, who has sustained disability compensable under KRS 342.730 and who has filed or could have but for his death filed a valid claim in his lifetime, dies from causes other than the injury or occupational disease, the income benefits specified under an award made before or after his death shall be paid to the same persons and in the same proportions and upon the same conditions, as persons entitled to income benefits under KRS 342.750. Provided, however, such income benefits for total or partial permanent disability shall be paid only during the life expectancy of the employe at the time of his injury based upon the life expenctancy tables approved by the board but not exceeding the dependency under KRS 342.750. Where the beneficiary is entitled to file a claim under this subsection, in no case shall the time for filing exceed the original time for filing of a valid claim by the deceased employe had he lived.*

[(4) When an employe, who has sustained disability compensable under this section, and who has filed a valid claim in his lifetime, dies from causes other than the injury before the expiration of the compensable period specified, the income benefits specified and unpaid at the individual's death, whether or not accrued or due at his death, shall be paid, under an award made before or after such death, for the period specified in this section, to and for the benefit of the persons within the classes at the time of death and in the proportions and upon the conditions specified in this section and in the order named:

(a) To the widow or widower, if there is no child under the age of 18 or incapable of self-support; or

(b) If there are both such a widow or widower and such a child or children one-half to such widow or widower and the other half to such child or children; or

(c) If there is no such widow or widower but such a child or children, then to such child or children; or

(d) If there is no survivor in the above classes, then the parent or parents wholly or partly actually dependent for support upon the decedent, or to other wholly or partly actually dependent relatives listed in paragraph (g) of subsection (1) of KRS 342.750 or to both, in such proportions as the board may provide by regulation.]

Section 12. KRS 342.760 is amended to read as follows:

(1) There is hereby authorized in the state treasury an uninsured employers' fund for the purpose of making payments in accordance with the provisions of subsection (4) of this section. [The fund shall be administered by the board.] The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not be considered a part of the general funds of the state.

(2) The state treasurer is authorized to disburse moneys from the fund only upon written order of the board.

(3) All amounts collected as fines and penalties under this chapter shall be paid into the uninsured employers' fund. There shall initially be transferred to the fund from the maintenance fund beginning January 1, 1973, the sum of $100,000.

(4) Upon the action taken in subsection (3) the uninsured employers' fund will become operative, compensation thereafter shall be paid from it when there has been default in the payment of compensation due to the failure of an employer to secure payment of compensation as provided by this chapter. Such employer shall be liable for payment into the fund of the amounts authorized to be paid therefrom under the authority of this subsection and for the purposes of enforcing this liability the board, for the benefit of the fund, shall be subrogated to all the rights of the person receiving such compensation.

(5) [The board shall be charged with the conservation of the assets of the fund.] In furtherance of this purpose, the attorney general shall appoint a member or members of his staff or special counsel to represent the fund in all proceedings brought to enforce claims against or on behalf of the fund. Necessary expenses for this purpose including salaries of said staff or special counsel shall be borne by the fund. *The attorney general's office shall be responsible for the administration of the uninsured employers' fund and shall be charged with the conservation of the assets of the fund.*

(6) If at any time the charges against the uninsured employers' fund exceed the assets of said fund, the board, with approval of the commissioner of the executive department for finance and administration *and commissioner of labor*, may transfer sufficient moneys from the maintenance fund to the uninsured employers' fund in order to honor claims filed against said uninsured employers' fund *and to provide for the administration of the fund.*

SECTION 13. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:
This Act, and the other sections of KRS Chapter 342, shall be effective on July 1, 1976; provided, however that in the event the Federal Coal Mine Health and Safety Act provides that claims covered by the provisions of KRS Chapter 342 may also be filed with a federal agency, then, in that event, the increase in benefits provided by Chapter 78, 1972 Acts shall not apply to any individual claim under KRS Chapter 342, if benefits are awarded to and are received by that particular claimant under such federal law. The benefits under the law in effect prior to the effective date of Chapter 78, 1972 Acts shall apply to that claim.

Section 14. KRS 342.330 and Section 37, Chapter 78, 1972 Acts of the General Assembly are repealed.

Amend printed copy of Senate Committee Substitute for **HB 568** as follows:

Page 5, line 26; page 6, lines 1-26; page 7, line 1 by deleting same; and on

Page 7, line 2 by deleting “7” and inserting “6“; and on

Page 8, line 7 by deleting “8” and inserting “7“; and on

Page 9, line 12 by deleting “9” and inserting “8“; and on

Page 10, lines 22 to 26; page 11, page 12, lines 1 to 16 by deleting same; and on

Page 12, line 17 by deleting “11” and inserting “9“; and on

Page 12, lines 22-23 by deleting “*the state average weekly wage* [“; and on

Page 12, line 23 by deleting “]“; and on

Page 12, line 24 by deleting “*such* [” and by deleting “]“; and on

Page 12, line 26 after “three” by deleting the rest of the line; and on

Page 13, line 1 by deleting same; and on

Page 13, line 13 after the word “the” by deleting the rest of the line; and on

Page 13, line 14 by deleting “*KRS 342.740(2)* [” and by deleting the “]“; and on

Page 13, line 16 by deleting “*such state* [” and by deleting the “]“; and on

Page 13, line 18 by deleting the “ []“; and on

Page 13, line 20 by deleting “*, but not to exceed the*“; and on

Page 13, line 21 by deleting same; and on

Page 13, line 22 by deleting “*342.730(a)*“; and on

Page 21, lines 6 to 23 by deleting same; and on

Page 21, line 24 by deleting the “ [“; and on

Page 21, line 25 after “filed” by adding “*, or could have timely filed,*“; and on

Page 22, line 23 by deleting the "]"; and on

Page 22, line 24 by deleting "12" and inserting "10"; and on

Page 24, line 23 by deleting "13" and inserting "11"; and on

Page 24, line 26 by adding after "1976" the words "for all claims based upon an injury or last exposure which occurs on or after that date"; and on

Page 25, line 10 after the word "claim" by adding the words "and appropriate credit shall be given for any payments made in excess of the benefits provided for under that act. Anyone who files a claim under this Chapter for coal-workers pneumoconiosis or silicosis benefits must also file and pursue in good faith a claim under the Federal Coal Mine Health and Safety Act."; and on

Page 25, line 11 by deleting "14" and inserting "12".

Agreed.

Representative B. Richardson moved that **HB 568,** as amended, be passed.

On the roll call the vote was yeas 54-Ackerson, A. S. Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Bevins, Blandford, Brinkley, Bruce, Carpenter, Cooper, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Head, Hughes, Isler, Kenton, Kidd, King, LeMaster, Little, Mann, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, Priddy, B. Richardson, P. Richardson, Romines, Sale, Siler, Stewart, Tobin, Thomas, Wells, Wible, Wooden, Yates. Nays 22-B. Adams, Arnold, Benson, Blair, Clarke, Denham, Floyd, Foster, Hancock, Holbrook, Holloway, Hopkins, Imes, Jones, Lindsay, Mason, O'Brien, Pearl, Richards, Robinson, Stephens, Vincent.

**HB 568,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 568,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment for **HB 641:**

**HB 641,** AN ACT relating to the hospitalization of the mentally retarded.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. KRS CHAPTER 202B IS HEREBY ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:
This Act may be cited as the "Kentucky Mental Retardation Hospitalization Act".

SECTION 2. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:
As used in this Act, unless the context otherwise requires:
(1) "Mentally retarded person" means a person with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period;
(2) "Mental retardation residential treatment center" means a residential treatment facility approved by the department for the evaluation, care and treatment of mentally retarded persons;
(3) "Qualified mental retardation professional" means:
(a) a psychologist licensed under the provisions of KRS Chapter 319, who has either one year of specialized training for work with mentally retarded persons or one year of clinical experience with mentally retarded persons;
(b) a licensed registered nurse with a Master's degree in psychiatric nursing from an accredited institution, with two (2) years of clinical experience. At least one (1) year of such experience shall be with mentally retarded persons, or he shall have one year of specialized training for work with mentally retarded persons;

(c) a certified social worker licensed under the provisions of KRS Chapter 335 or accredited by the Academy of Certified Social Workers, with two (2) years of clinical experience. At least one (1) year of such experience shall be with mentally retarded persons, or he shall have one year of specialized training for work with mentally retarded persons;

(d) a psychologist with a Master's degree from an accredited institution who has been awarded a certificate of qualification by the Kentucky Board of Examiners of Psychologists under the provisions of KRS Chapter 319, with two (2) years of clinical experience. At least one (1) year of such experience shall be with mentally retarded persons, or he shall have one year of specialized training for work with mentally retarded persons; and

(e) other professional persons with similar training and experience who are qualified according to regulations promulgated by the secretary to participate in 72-hour involuntary hospitalization procedures under this Act.

(4) "Resident" means a person under care or treatment in a mental retardation residential treatment center pursuant to the provisions of this Act;

(5) All terms defined in KRS Chapter 202A shall have the same meaning when used in this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

Hospitalization for the care and treatment of mentally retarded persons shall be provided by the same procedures as hospitalization of mentally ill persons as provided in KRS Chapters 203 and 210 and as set forth in Sections 3 to 17 and Section 20 of KRS Chapter 202A, except that:

(a) when the court appoints qualified persons to examine an allegedly mentally retarded respondent such persons shall, where possible, have made a special study of mental retardation;

(b) a qualified mental retardation professional may be substituted for one but not both physicians when certification is required for involuntary hospitalization under this Act; and

(c) all functions of a hospital as set forth in KRS Chapter 202A may be carried out by a mental retardation residential treatment center.

SECTION 4. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

When mentally retarded individuals are involuntarily hospitalized under this Act, the department may place them in a mental retardation residential treatment center. No mentally retarded person may be involuntarily placed in a hospital without the consent of the secretary, except when the determination of concurrent mental illness is made under the provisions of KRS Chapter 202A. No mentally retarded person or juvenile may be involuntarily admitted to a hospital or mental retardation residential treatment center when the department determines that appropriate programs and space are not available.

SECTION 5. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

When a person who is alleged to be mentally retarded is involuntarily committed, there shall be a determination that:

(a) he is a mentally retarded person;

(b) he presents an immediate danger or an immediate threat of danger to self or others;

(c) the least restrictive alternative mode of treatment requires placement in a hospital or mental retardation residential treatment center; and

(d) treatment that can reasonably benefit the individual is available in the hospital or mental retardation residential treatment center.

SECTION 6. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

All rights guaranteed by KRS Chapters 202A, 203 and 210 to mentally ill persons shall apply to mentally retarded persons.

SECTION 7. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

The secretary shall adopt rules and regulations for the proper administration and enforcement of this Act. Such rules and regulations shall include, but shall not be limited to:

(1) rights of mentally retarded residents and their families to be adequately informed as to the individual treatment program of the resident;

(2) rights of residents and their families to assist in the planning of the treatment program of the resident;

(3) rights of residents and their families under certain conditions to refuse treatment offered to the resident by the hospital or mental retardation residential treatment center;

(4) rights of residents to maintain, keep and use personal possessions and money;

(5) rights of residents to meet with friends and relatives;

(6) rights of residents to receive payment for work performed on behalf of the hospital or mental retardation residential treatment center;

(7) rights of residents to refuse intrusive treatments, including electroshock or psychosurgery;

(8) rights of residents to seek relief from participating in their treatment plans;

(9) rights of residents who are minors to seek relief from actions, approved by their parents or guardians, for or against admission and discharge;

(10) the use of seclusion and other mechanical restraints in hospitals and mental retardation residential treatment centers;

(11) the transfer of residents between hospitals and mental retardation residential treatment centers and between mental retardation residential treatment centers and forensic psychiatric facilities;

(12) the release of residents to less restrictive alternative modes of treatment on convalescent status; and

(13) provisions for alternative methods for involuntary hospitalization.

SECTION 8. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

Persons carrying out duties or rendering professional opinions as provided in this Act shall be free of personal liability for such actions provided that such activities are performed in good faith within the scope of their official duties and in a manner consistent with accepted professional practices.

SECTION 9. A NEW SECTION OF KRS CHAPTER 202B IS CREATED TO READ AS FOLLOWS:

(1) The unwarranted hospitalization of any individual under the provisions of this Act; or

(2) The denial of any individual of any of the rights accorded to him under the provisions of this Act shall be punished by a fine not exceeding five thousand dollars ($5,000) or imprisoned for a term not to exceed five (5) years or both.

(3) Any person who violates the confidentiality of any mental health record under the provisions of this Act shall be guilty of a Class A misdemeanor.

Section 10. KRS 210.380 is amended to read as follows:

Every combination of cities and counties establishing a regional community mental health services program shall, before it comes within the provisions of KRS 210.370 to 210.460, establish a community mental health board consisting of at least nine (9) members. When a nonprofit corporation is the administrator of such a program not established by a combination of either cities or counties, such corporation shall select a community mental health board which shall be representative of the groups herein enumerated, but the number of members need not be nine (9). When any combination of cities and counties establishes a regional community mental health services program, the chief executive officer of each participating city or county shall appoint two (2) members to a selecting committee which shall select the members of the board. Membership of the community mental health boards shall be representative of *the elected chief executives of county governments,* local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health as well as labor, business and civic groups and the general public.

Section 11. KRS 210.390 is amended to read as follows:

*The* [Except for boards appointed by nonprofit corporations, the] term of office of each member of the community mental health board shall be for four (4) years measured from the first day of the year of appointment except that of the members first appointed, three (3) shall be appointed for a term of two (2) years, three (3) for a term of three (3) years, and three (3) for a term of four (4) years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

Section 12. KRS 210.430 is amended to read as follows:

Any community mental health board or nonprofit corporation administering a mental health services program may apply for the assistance provided by KRS 210.370 to 210.460 by submitting annually to the secretary for human resources its plan, [and] budget *and membership of the board* for the next fiscal year together with the recommendation of the community mental health board thereon. No program shall be eligible for a grant hereunder unless its plan and budget have been approved by the secretary for human resources *and no program shall be eligible for a grant hereunder unless the board composition is reasonably representative of those groups enumerated in KRS 210.380.*

On the roll call the vote was yeas 57-B. Adams, J. Allen, Bendl, Bennett, Benson, Bevins, Blandford, Bruce, Burnette, Clapp, Craddock, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hancock, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morris, Muncy, O'Brien, Overstreet, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Tobin, Vincent, White, Wible, Yates. Nays 10-Ackerson, W. Allen, Beshear, Blair, Crupper, DeFalaise, Denham, Nett, Pearl, Wooden.

The House concurred in the Senate Amendment to **HB 641.**

Representative B. Richardson moved that **HB 641,** as amended, be passed.

On the roll call the vote was yeas 78-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Rattliff, Richards, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Tobin, Thomas, Vincent, White, Wible, Wooden, Wright, Yates. Nays 1-Pearl.

**HB 641,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 641,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendment to **HB 705:**

Amend printed copy of **HB 705** as follows:

Page 2, after line 8, by adding:

"Section 2. KRS 157.200 is amended to read as follows:

(1) "Exceptional children" means *persons under twenty-one (21) years of age* [children] who differ in one or more respects from average or normal children in physical, mental, *learning,* emotion or social characteristics and abilities to such a degree that *they need special educational programs or services for them to benefit maximally from the regular or usual facilities or educational programs* [it is impractical or impossible for them to benefit from, or participate in, the regular or usual facilities or classroom programs] of the public schools in the districts in which they reside*; or, those children who, because of their intellectual or creative abilities or potentialities, require special educational programs or services.* [These children's educational needs require a modification of the usual classroom program in order for them to obtain the maximum of their abilities and capabilities.] These children include, but are not limited to, those children hereafter described in this section as well as the neurologically impaired, visually impaired, hearing impaired, [the emotionally disturbed,] *and* the retarded [children with learning disabilities, communications disorders and those children who are multiple handicapped]. *The Department of Education, through regulations endorsed by the State Board of Education, shall interpret the statutory definitions of exceptionality. Exceptionality denotes a uniqueness among Kentucky school aged children that will not apply to more than twelve percent (12%) of Kentucky's school children during any school year. An exceptionality is any trait so defined in KRS 157.200 or stipulated in the regulations of the State Department of Education. Requirements of average daily attendance for exceptional classes will be regulated by statute, or in the absence of such direction by departmental regulations endorsed by the State Board of Education. Categories of exceptionalities included within, but not limited by, this definition are as follows:*

*(a)* [(2)] "Physically handicapped children" means children who suffer from any physical disability making it impracticable or impossible for them to benefit from or participate *on a full-time basis* in the normal classroom program of the public schools in the school district in which they reside and whose intellectual development is such that they are capable of being educated through a modified educational program*;* [.]

*(b)* [(3)] *"Children with communication disorders" means those children who evidence disorders in hearing, language, or speech;* ["Speech defective children" means children whose speech has been diagnosed by a speech correctionist as deviating or differing from average or normal speech to the extent of hindering adequate communication and requiring specialized instruction for improvement or correction of the handicap.]

*(c)* [(4)] "Educable mentally handicapped children" means children who because of retarded intellectual development, as determined by recognized standardized tests, are incapable of being educated profitably and efficiently through ordinary classroom instruction but whose intellectual ability would indicate a degree of scholastic attainment with the benefit of special educational methods, materials, and facilities*;* [.]

*(d)* [(5)] "Trainable mentally handicapped children" are mentally handicapped children who, because of retarded intellectual development, are incapable of being educated properly and efficiently through ordinary classroom instruction or special education facilities for educable mentally handicapped children, but who may be expected to benefit from training in a group setting designed to further their social adjustment and economic usefulness*;* [.]

[(6) "Exceptional children" means all persons under twenty-one (21) years of age as herein defined.]

[(7) "Special educational facilities" means special schools, special classes, and special instruction. All special education facilities shall be under the supervision of the superintendent of public instruction.]

*(e)* [(8)] "Children with learning disabilities" are those children who have a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage. *The uniqueness of these disorders should allow no more than three percent (3%) of Kentucky's school children to be so classified;*

*(f) "Emotionally disturbed children" means those children who exhibit a variety of excessive, chronic, deviant, inappropriate, persistent behaviors ranging from impulsive and aggressive to depressive and withdrawal acts which cause the child's placement to be detrimental to his educational progress, dangerous to his health or safety, or disruptive to the program for other children;*

*(g) "Multiple handicapped children" are those children who have a combination of two or more moderate to profound handicaps which produce serious learning, developmental, or behavioral-emotional programs. These handicaps prohibit or seriously limit progress in a regular or special education program designed to accommodate children with a single handicap;*

*(h) "Intellectually gifted or talented children" means children who possess demonstrated abilities or measured potential that provides evidence of high performance capability in areas such as intellectual or creative ability who need special education services in order to realize these potentialities.*

*(2) "Special educational facilities" means special schools, special classes, and special instruction.*

*(3)* [(9)] "Related services" means those educational services for the exceptional child and his family that ordinarily cannot be delivered through the public educational system.

[(10 "Multiple handicapped" includes children whose known or diagnosed handicaps are determined to be any combination of this section, whose needs demand the provision of special facilities, equipment or methods to make their educational program effective.]

Section 3. KRS 157.221 is amended to read as follows:

(1) The State Board of Education shall create a "Bureau of Education for Exceptional Children" in the State Department of Education, separate from any other existing Bureau, to supervise and direct a State program for Exceptional Children of this Commonwealth.

(2) The State Board of Education shall establish appropriate Divisions within the Bureau of Education for Exceptional Children. These Divisions shall include, but not be limited to, the following *five (5)* [six (6)] Divisions: Learning Disabilities, Communication Disorders, Mental Retardation, Physically Handicapped, [ Intellectually Gifted,] and Emotionally Disturbed.

(3) It shall be the duty of this Bureau to recommend rules and regulations for adoption by the State Board of Education, and generally carry out the program provided for in KRS 157.200 to 157.305, KRS 157.360, and KRS 167.210 to 167.240.

(4) This Bureau shall have an Assistant Superintendent of Public Instruction and necessary assistants appointed by the Superintendent of Public Instruction. No person shall be employed as Assistant Superintendent of Public Instruction of the Bureau of Education for Exceptional Children who does not hold a Master's degree in education, with emphasis in one or more areas of exceptionality. The Assistant Superintendent shall have had successful supervisory experience in the education of exceptional children. No person shall be employed as a Director within the Bureau of Education for Exceptional Children who has not had thirty or more semester hours of graduate work, at least twenty hours of which shall have been in the education of one or more areas of exceptionality. The Director shall have had successful teaching or supervisory experience in the education of exceptional children.

Section 4. KRS 157.224 is amended to read as follows:

*(1) The Commonwealth of Kentucky is committed to providing a comprehensive educational program for its exceptional school age children. The Bureau of Exceptional Children, through KRS 157.221, co-ordinates, directs, and monitors that program. State direction and implementation of a statewide exceptional education program is manifested in the biennial appropriation of funds to finance a particular number of such class room units. The rate at which new exceptional units are funded indicates the state's ability to assure a quality educational opportunity for appropriate students in existing, locally operated, exceptional class units.*

*(2) All* [By July 1, 1974, all] county and independent boards of education shall operate special education programs to the extent required by, and pursuant to, a plan which has been approved by the state board of education [after consideration of the recommendations from the state task force and the human resources coordinating commission and council]. If any county or independent board of education *fails* [has failed] to operate and implement special education programs in accordance with *an* [the] aforesaid plan [s], the application of said county or independent board of education for minimum foundation payments may be considered insufficient."

Page 1, the title by deleting same and inserting in lieu thereof: "AN ACT relating to children."

Agreed.

The House will ask the Senate to recede from its Amendment to **HB 705.**

## Senate Message

The following letter was received in regard to **HB 644:** The Senate has refused to recede from its Amendment to **HB 644** and has appointed a Conference Committee as follows: Senators Yocom, Johnson, and Friend. The Senate further requests that a like Committee be appointed from the House for conference on the bill.

## Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

## Orders of the Day (continued)

The House appointed Representatives Mann, Schmidt, and Donnermeyer as members of the Conference Committee to meet with a like Committee from the Senate for conference on **HB 716.**

The House appointed Representatives Wells, DeMarcus and Stephens as members of the Conference Committee to meet with a like Committee from the Senate for conference on **HB 644.**

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 73, HB 117, HB 366, HB 437, HB 626, HB 646, HB 660, HB 665, HB 733, HB 738, HB 754, HB 755, HB 802,** and **HB 98** had been examined and found correctly enrolled. Said Bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (continued)

Representative B. Richardson moved that the House recede from its Amendment to **SB 197.** Agreed.

Representative B. Richardson moved that the House recede in its Amendment to SB 249.

On the roll call the vote was yeas 42-B. Adams, J. Allen, Arnold, Benson, Beshear, Bevins, Blandford, Bruce, Clarke, Craddock, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Isler, Kenton, King, LeMaster, Mann, Mason, McBee, McBride, Morgan, Morris, Nett, Pearl, Richards, B. Richardson, P. Richardson, Siemens, Stephens, Tobin, Vincent, Wells, White, Wible. Nays 41-Ackerson, A. S. Adams, W. Allen, Bendl, Bennett, Blair, Boatwright, Brinkley, Carpenter, Cooper, Crupper, Cyrus, DeFalaise, DeMarcus, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Jones, Lindsay, Little, Maynard, McGill, Muncy, O'Brien, Overstreet, Priddy, Rattliff, Robinson, Romines, Schmidt, Siler, Thomas, Wright, Yates.

The motion that the House recede from its Amendment to **SB 249** was adopted.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 87:**

**HB 87,** AN ACT relating to vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 138.460 is amended to read as follows:

(1) On and after July 1, 1972 a tax levied upon its retail price at the rate of five percent shall be paid on the use in this state of every motor vehicle, except those exempted by KRS 138.470, at the time and in the manner provided in this section. In the case of trucks of gross weight in excess of ten thousand pounds (10,000 lbs.) the tax shall be levied upon ninety percent of the retail price of the vehicle.

(2) The tax shall be collected by the county court clerk or other officer with whom the vehicle is required to be registered:

(a) When he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

(b) Or upon the transfer of ownership of any motor vehicle previously registered in this state.

(3) The tax collected by the county clerk under this section shall be reported and remitted to the department of revenue on forms provided by the department *and on such forms as the department may prescribe*. The county clerk shall for his services in collecting the tax be entitled to retain an amount equal to two percent of the tax collected and accounted for.

(4) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, or transfer the ownership of any motor vehicle previously registered in this state, unless the owner or his agent pays the tax levied under this section in addition to the transfer, registration and license fees.

(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.

(6) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the

customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostat copy to the copy of the certificate of registration and ownership mailed to the department.

Section 2. KRS 138.465 is amended to read as follows:

(1) Any person other than a dealer, as defined in KRS 186.010 (9), who sells or transfers a motor vehicle in this state shall deliver to the county clerk the [bill of sale and] certificate of registration and ownership *with the assignment form on the reverse side properly executed* and *shall* transfer the vehicle to the new owner within ten (10) days of the date of the sale or transfer of ownership.

(2) Any person who violates subsection (1) of this section shall be subject to the penalties set out in KRS 186.990 (2).

Section 3. KRS 186.005 is amended to read as follows:

(1) It is declared to be the policy of this commonwealth that all commercial vehicles should be regulated, registered and the laws pertaining thereto be administered by the department of transportation. Motor vehicles other than commercial vehicles should be registered, regulated and controlled by the department of transportation and the department of justice.

(2) All motor vehicles registered under the provisions of KRS 186.050(1) shall be on *an annual* [a calendar year] basis and evidenced by a license plate whose registration designation is a combination of three letters of the alphabet and three arabic numerical digits. These registration plates shall be issued for use during a multi-year period and validated for continued use the following year, or years, by affixing an appropriate insignia of plastic or adhesive material bearing the date of the new year.

(3) License plates issued pursuant to KRS 186.050(1) shall be fully treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate issued to reduce road accidents and improve the visibility and legibility after dark. The requirements of this subsection shall be effective with the 1977 license plate issue.

(4) The registration insignia and receipts issued in accordance with the terms of KRS 186.050(1) are on *an annual* [a calendar year] basis, *and shall expire at midnight on the last day of February of the following year, except that commencing January 1, 1977 and thereafter, all motor vehicles registered under KRS 186.050(1) shall be issued a registration insignia and receipt which shall expire at midnight on the last day of the month of registration in the following year.* The department of transportation may promulgate regulations and prepare the proper insignia and forms, which forms shall include information required by the department of transportation.

Section 4. KRS 186.020 is amended to read as follows:

(1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with regulations issued by the department, except that a person who purchases a motor vehicle, or brings a motor vehicle into the commonwealth from another state shall make application for registration within five (5) days. The bill of sale *or assigned title* must be in the motor vehicle during this five-day period. If the owner of a motor vehicle is an individual and resides in the commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he resides. If the owner of a motor vehicle does not reside in the commonwealth, the motor vehicle shall be registered with the county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the commonwealth, the motor vehicle shall be registered with the county clerk of either such county. The application when presented to the county clerk for registration shall be accompanied by:

(a) A [bill of sale and a] manufacturer's certificate of origin if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

(2) After that, the owner of any motor vehicle registered under KRS 186.050 (1) [and (2)] shall register his motor vehicle on *an annual basis and such registration shall expire at midnight on the last day of February of the following year, except that commencing January 1, 1977 and thereafter, all motor vehicles registered under KRS 186.050(1) shall be issued a registration insignia and receipt which shall expire at midnight on the last day of the month of registration in the following year* [or before March 1 of each year]. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

*(3) After that, the owner of any motor vehicle registered under KRS 186.050(2) shall register his motor vehicle on or before March 1 of each year. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.*

*(4)* [(3)] After that, the owner of any commercial vehicle registered under KRS 186.050 (3) through *(14)* [(13)] shall register his commercial vehicle on or before April 1 of each year. If, before operating such commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the bureau.

*(5)* [(4)] The application and documents presented therewith shall be retained on file in the office of the clerk for a period of not less than seven (7) years.

Section 5. KRS 186.041 is amended to read as follows:

(1) The department of transportation shall issue, free of charge, a certificate of registration and two (2) license plates to each disabled veteran who has been or shall be issued a motor vehicle by the veterans administration under the provisions of title 38, section 1901, of the United States Code or any other public law that may be passed by the congress of the United States, and who is a resident of Kentucky.

(2) The license plates in subsection (1) of this section shall be printed in three (3) colors, red, white and blue. One-half (1/2) of the license plate shall be in one color, the other half (1/2) a second color and the figures and lettering the third color. The color scheme shall alternate each year. Each tag shall contain the name of the state, the years, the registration number and the words "Handicapped Vet."

(3) License plates provided under this section shall be issued only as long as the veteran is the owner of a motor vehicle provided by the veterans administration. Such license plates are not transferable to any person or persons not entitled to them under this section. *License plates issued under this section shall expire on December 31.*

(4) No county, city, town or any other political subdivision of this state shall require any license or fee from any disabled veteran for the privilege of operating a motor vehicle licensed by the department under the provisions of this section upon the streets or alleys of any political subdivision, any other provisions of law to the contrary notwithstanding.

(5) Application for the special license plates shall be made to the department in accordance with such regulations as the department may have issued.

(6) The department may make such reasonable rules and regulations as it deems necessary to further the purpose of this section.

Section 6. KRS 186.070 is amended to read as follows:

(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and branch office or sub-agent or agency is located, and pay an annual registration fee of $25.00 to each clerk. Upon receipt of this fee, the clerk shall issue the manufacturer or dealer a certificate of registration and one (1) dealer plate. Every manufacturer or dealer registered under this section shall be furnished additional dealer's plates upon the payment of $12.50 for each plate so desired. One dollar ($1.00) shall be retained for each plate so desired. A motor vehicle bearing dealer's plates may be used on the highways by the licensed dealer or by a bona fide salesman or employe of the dealer at all times, or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highways of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles. Any dealer in motor vehicles may allow any bona fide customer or the customer's employes to use the dealer's tag on the motor vehicle that is being demonstrated. This provision shall be limited to one (1) trip or demonstration to the same prospective customer. *License plates issued under this section shall expire on December 31.*

(2) Each manufacturer and dealer when making application for dealer's plates shall file a verified statement with the clerk, giving the name and address of each member of the firm and each bona fide salesman or employe entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employe so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesmen or employes are employed, an amended verified statement showing their names and addresses shall be filed with the clerk so that the records in the clerk's office will at all times show the bona fide salesmen and employes actually in the service of the registered dealer or manufacturer.

(3) The license of any dealer or manufacturer may be revoked by the Department of Transportation for the violation of any of the provisions of this section. Such manufacturer or dealer shall be given an opportunity to be heard in defense of the charge that he has violated any of the provisions of this section and the Department of Transportation shall adopt and promulgate rules and regulations governing the procedure

for such revocation. Provided, however, That any manufacturer or dealer whose license is so revoked may prosecute an appeal to the Kentucky board of tax appeals as provided by law. Such manufacturer or dealer whose license has been suspended is prohibited from engaging in the business of selling or buying motor vehicles. The license of any manufacturer or dealer shall be revoked for a period of one (1) year and his dealer's plates canceled in the event he violates any of the provisions of this section during this suspension period or has been suspended by the department more than twice for violations of this section. At the end of the revocation or suspension period the manufacturer or dealer whose license has been revoked or suspended and dealer's plates canceled may follow the provisions of this section and again be registered and secure dealer's plates from the clerk.

(4) The Department of Transportation shall be responsible for the administration of this section, and is empowered to promulgate rules and regulations pertaining to the administration thereof.

Section 7. KRS 186.120 is amended to read as follows:

(1) If any motor vehicle other than a commercial vehicle upon which the license tax has been paid is destroyed by fire or accident, so that the vehicle is rendered entirely useless the owner shall be entitled to have refunded to him a part of the license fee paid by him proportionate to the *registration period* [unexpired part of the calendar year] for which the license was granted.

(2) If any commercial vehicle upon which the license tax has been paid is destroyed by fire or accident so that the vehicle is rendered entirely useless the owner is entitled to have refunded to him that portion of the tax which he had theretofore paid allocable to the remaining complete quarters of the unexpired period for which the tax was paid.

(3) To obtain the refund, the owner whose motor vehicle has been destroyed shall apply to the department of transportation, submitting his affidavit and the affidavits of two (2) reputable persons, attesting to the fact that the vehicle has been destroyed, and the manner of destruction, and shall return the original license plates to the department of transportation. The department of transportation shall examine all applications and investigate the claims for refund, and if a claim is found to be correct, it shall approve it for payment, whereupon the executive department for finance and administration shall draw a warrant upon the state treasurer in favor of the owner of the destroyed vehicle, and charge the amount of it to the state road fund.

Section 8. KRS 186.130 is amended to read as follows:

(1) If any person becomes the owner of a motor vehicle *required to be registered under KRS 186.050(2)* [other than a commercial vehicle] after January 1 of any year, and for that reason registers for only part of a year, the registration fee shall be as many twelfths of the annual fee as there are unexpired months in the calendar year.

(2) If any person offers a commercial vehicle for registration after June 30 of any year by reason of not having operated such vehicle on the public highways after April 1 of that year, the registration fee shall be three-fourths (3/4) of the annual registration fee if registered after June 30 and prior to September 30 of that year; and shall be one-half (1/2) of the annual registration fee if registered on or after October 1 and before January 1 of the following year; and shall be one-fourth (1/4) of the annual registration fee if registered on January 1 or thereafter for the balance of the registration year which expires March 31. Provided, however, That any proper 1966 registration of a commercial vehicle shall remain valid until April 1, 1967, and any commercial vehicle offered for registration between January 1, 1967 and June 30, 1967 shall pay the full annual registration fee and shall be issued a 1967 registration plate.

Section 9. KRS 186.170 is amended to read as follows:

(1) Except as provided in this subsection and in KRS 186.045, the owner shall have the receipt issued by the department through the county clerk constantly in his possession, and shall display the registration plate conspicuously upon the rear of the motor vehicle, except that the registration plate upon a semitrailer-tractor shall be displayed upon the front of the tractor. The owner's copy, or a reproduced copy thereof, of the registration receipt of every motor vehicle licensed under subsections (3) through *(14)* [(13)] of KRS 186.050 shall be kept in the vehicle at all times and shall be available for inspection. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030. If the department has prescribed that plates shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year. It shall be the duty of the owner to attach same in the prescribed manner and no person may operate a motor vehicle unless such insignia is so affixed upon it. The department shall have placed on said insignia either figures, letters, writing, marks or a combination thereof, which indicate that the motor vehicle has been registered and which in conjunction with the records of the department make identity of the registrant readily ascertainable.

[(2) Except as otherwise provided for commercial vehicles, trailers, semitrailers and house trailers, the registration year shall be from January 1 to December 31; however, registration plates for the succeeding year may be displayed beginning December 29. The registration year for commercial vehicles, trailers, semitrailers and housetrailers shall be from April 1 to March 31.]

Section 10. KRS 186.190 is amended to read as follows:

(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plate shall remain upon such motor vehicle as a part of it until the expiration of the registration year.

(2) No person shall sell or trade any motor vehicle *except a motor vehicle sold to dealers registered and licensed in compliance with the provisions of KRS 186.070 and KRS 190.010 to 190.080,* without delivering to the county clerk of the county in which the sale or trade is made the *current* registration receipt issued on the motor vehicle [for the current year] and the *assignment form on the reverse side properly executed* [bill of sale].

(3) Upon delivery of the registration receipt *with* [and] the *assignment form on the reverse side properly executed* [bill of sale] to the county clerk of the county in which the sale or trade was made, the seller shall pay to the county clerk a transfer fee of one dollar ($1.00), which shall be remitted to the department of transportation. The county clerk shall thereupon issue to the purchaser a transfer of registration bearing the same data and information as contained on the original registration receipt, except the change in name and address. The seller shall pay to the county clerk a fee of two dollars ($2.00) for his services.

(4) Whenever a county clerk issues to a purchaser a transfer of registration in a county other than the one in which the motor vehicle was originally registered, the clerk shall immediately mail one (1) copy of the transfer of registration to the clerk of the county of original registration.

(5) If the owner junks or otherwise renders a motor vehicle unfit for future use, he shall deliver the registration plate and registration receipt to the county clerk of the county in which the motor vehicle is junked. The county clerk shall immediately return the plate and receipt to the department of transportation. The owner shall pay to the county clerk fifty cents (50¢) for his services.

(6) A licensed motor vehicle dealer shall not be required to pay the transfer fee provided by this section, but shall be required to pay the county clerk's fee provided by this section.

(7) The registration receipt issued by the clerk under this section shall contain information as required by the bureau of vehicle regulation.

Section 11. KRS 186.200 is amended to read as follows:

(1) *The reverse side of the certificate of registration and ownership shall include an assignment form to be filled out in the event of the sale or transfer of a motor vehicle, and said form* [The bill of sale provided for by KRS 186.190] shall contain the date, the purchaser's name and post office address, seller's name and post office address, [the occupation of each,] and the information provided for in KRS 186.030 and shall be subscribed and sworn to before any officer authorized to administer an oath.

(2) No person for himself or his employe or agent or as an officer of any court, shall sell, trade, transfer or deliver any motor vehicle without at the same time *properly executing the assignment form on the reserve side of the certificate of registration and ownership* [making a bill of sale in quadruplicate and delivering the original and two (2) copies thereof to the county clerk. The county clerk shall retain one (1) copy of the bill of sale and shall deliver the original copy to the purchaser together with the registration receipt or transfer of registration, and attach the other copy to the department's copy of the registration receipt or transfer of registration]. No person shall sign *an assignment form* [a bill of sale] until the purchaser's name is shown thereon.

Section 12. KRS 186.210 is amended to read as follows:

No person shall make any false statement in an application for registration, application for duplicate receipt or plate, [bill of sale,] registration receipt, motor number or vehicle identification number. The penalty provided for violation of this section by KRS 186.990 shall be printed prominently on every form or blank used for these purposes and furnished by the department. No person shall use, display or keep registration plates or registration receipts that do not belong, or have not been issued to him.

Section 13. KRS 186.230 is amended to read as follows:

The county clerk shall see that KRS *186.005* [186.020] to 186.260 in his county are enforced. In so doing, he shall:

(1) Take all applications as provided in KRS *186.005* [186.020] to 186.260;

(2) Issue the receipts on blanks furnished by the department;

(3) Collect the fees due the state;

(4) Distribute the registration plates furnished by the department of transportation and bureau of vehicle regulation and keep a complete public record of all registrations for his county, in his office;

(5) Report and remit each Monday to the department of transportation all moneys collected during the previous week, together with a duplicate of all receipts issued by him during the same period. He shall make all checks payable to the state treasurer. Unless the clerk forwards duplicates of all receipts issued by him during the reporting period with his report and remits the amount shown due by the report within seven (7) days after the report and remittance are due, he shall pay a penalty of one per cent (1%) per month or fraction thereof on the amount of money shown to be due on the report. The department may in its discretion grant a county clerk a reasonable extension of time to file his report and remit all moneys not to exceed ten (10) days for any one report. The extension however must be requested prior to the end of the seven-day period and shall begin to run at the end of said period. All penalties collected under this provision shall be paid into the state treasury as a part of the revenue collected under KRS *186.005* [186.020] to 186.260;

(6) The clerk shall mail to the department of transportation one (1) duplicate of all receipts issued by him within two (2) weeks of the date of issuance. The department of transportation shall make the receipts pertaining to commercial vehicles available to the bureau of vehicle regulation for use in assimilating data therefrom;

(7) Account to the department of transportation for all registration plates and receipt forms consigned to him, at such time or times as the department of transportation may direct, and give the appropriate department timely notice of a probable deficiency of plates or other supplies;

(8) Any county clerk, who in collecting the taxes and fees due the state or county clerk, accepts in payment thereof a check which is not honored upon presentment, shall have a lien on the vehicle for the amount of such check. This lien shall be subordinate to any prior perfected lien, either contractual or statutory.

Section 14. KRS 186.240 is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS *186.005* [186.020] to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS *186.005* [186.020] to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original [; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years]. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official," *"Transportation,"* ["Highway,"] "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the bureau of vehicle regulation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state. A state slogan may be placed upon such plate if so desired.

[(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1, or, in the case of commercial vehicles, trailers, semitrailer and housetrailers, not later than February 1.]

*(4)* [(5)] The department of transportation shall receive all moneys forwarded by the clerk in each county and turn same over to the state treasurer for the benefit of the state road fund. [Out of this fund there shall be appropriated to the department of transportation and the bureau of vehicle regulation an amount to be expended in the manner provided by law for the administration of their functions with regard to KRS 186.020 to 186.260.]

*(5)* [(6)] The department of transportation shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

*(6)* [(7)] When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

Section 15. KRS 186.655 is amended to read as follows:

(1) Before any owner or operator of a trailer, semitrailer or housetrailer may operate or permit the operation of such vehicles upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which such vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A *manufacturer's certificate of origin* [bill of sale], if the application is for the registration of a new trailer, semitrailer or housetrailer; or

(b) The owner's registration receipt, if the trailer, semitrailer or housetrailer was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a trailer, semitrailer or housetrailer to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a trailer, semitrailer or housetrailer to obtain a certificate of title or ownership; or

(e) Affidavit from the owner of a trailer, semitrailer or housetrailer assembled or constructed for his personal use on the highways; or

(f) Affidavit from the owner of a trailer, semitrailer or housetrailer where the bill of sale for such vehicle has been lost, destroyed or stolen.

(2) The affidavit required in paragraph (e) shall contain the owner's name, address, date, brief description and a statement that the trailer was constructed by the owner for use on the highways and any additional information that the department may from time to time prescribe by regulation.

(3) The affidavit required in paragraph (f) shall contain the owner's name, address, date, make, year made, serial or identification number, from whom purchased, date of purchase, that the person making the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed or stolen, and any additional information that the department may from time to time prescribe by regulation.

(4) After that, he shall register his trailer, semitrailer or housetrailer on or before April 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

Section 16. KRS 189.260 is amended to read as follows:

Every motor vehicle licensed under KRS 186.050 (3) through *(14)* [(13)] shall display all plates issued by the county clerk. Except as provided in KRS 186.045, the registration receipt shall be kept in the truck at all times and shall be available for inspection.

Section 17. KRS 189.455 is amended to read as follows:

(1) On the application of any person who has lost the use of a leg or both legs, or an arm or both arms, or any combination thereof, or any person who is blind, the department of transportation shall issue the handicapped person special registration plates designating the vehicle licensed as belonging to a handicapped person. The registration plates issued shall bear a handicapped insignia approved by the department, reading from left to right; and shall be followed by such numbers or letters as the department finds expedient. The department shall not issue registration plates so designated to any person other than a handicapped person. The department shall not charge any fee, other than the regular fee for annual registration, for the issuance of the registration plates. *License plates issued under this section shall expire December 31.*

(2) When a motor vehicle bearing plates issued to a handicapped person as prescribed in this section is being operated by or for the benefit of the handicapped person, the motor vehicle may be parked for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police regulations prohibit parking on a highway for the purpose of creating a fire lane or where the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

SECTION 18. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) When the owner of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles presents such a vehicle for registration, he shall submit an affidavit and any invoices showing the purchase of such parts to the county court clerk. The county court clerk shall forward the application to the department of transportation. The department will either authorize or prohibit the clerk from registering the vehicle.

SECTION 19. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of this chapter, the department may by regulation prescribe methods of record keeping and reporting by the county court clerk to the department.

SECTION 20. KRS CHAPTER 186A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

This chapter shall be known and may be cited as the Automated Motor Vehicle Registration Code.

SECTION 21. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

(1) It is the intention of the general assembly that an automated motor vehicle and trailer registration system be developed and that pilot projects be instituted in selected counties, subject to the agreement of the county clerk of a selected county. The counties in which pilot projects shall be instituted shall be selected by the secretary of the department of transportation in consultation with the departments of revenue and justice. The automated motor vehicle and trailer registration system shall be designed to enable Kentucky's county clerks to produce motor vehicle and trailer certificates of registration in their offices, and certificates of title in Frankfort, by automated means utilizing telecommunication terminals and associated devices supplied by the commonwealth, to inhibit registration and transfer of stolen motor vehicles or trailers, to improve the capability of detecting and recovering such vehicles, to ensure development of a common vehicle information data base to improve efficiency in auditing motor vehicle usage tax and license fee collections, to provide information to the traffic record system, and to provide improved security interest protection to potential creditors throughout Kentucky while simultaneously reducing the number of forms that must be processed and stored each year in Kentucky.

(2) The department of transportation is hereby directed to develop an automated motor vehicle and trailer registration system design, having, as a minimum, the capabilities or functions described in this Act, and to acquire and assure the installation of such equipment or services as are necessary to enable the system as described in this Act to be tested in selected counties.

(3) The department of transportation is directed to ensure that the system developed will produce the necessary reports in such manner and at such times as the departments of revenue and justice request, to enable these departments to audit the taxes and fees collected by the county clerk in connection with the registration of a motor vehicle or trailer required to be registered in this state, and that the system produces such other information as the department of justice may reasonably require in connection with the registration of a motor vehicle or trailer, in carrying out the duties of that department as they relate to the regulation of motor vehicles or a traffic records system.

(4) The departments of revenue and justice are hereby directed to cooperate with the department of transportation for purposes of assuring orderly implementation of this Act.

SECTION 22. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

(1) The department of transportation shall have any and all necessary power and authority, subject to appropriate provision of the statutes, to promulgate regulations and institute such programs as are reasonably necessary to carry out the provisions of this chapter.

Section 23. KRS 189.580 is amended to read as follows:

(1) *The operator of any vehicle, whose vehicle, vehicle load, or vehicle equipment which is involved in an accident resulting in injury to or death of any person or resulting only in damage to a vehicle or other property which is driven or attended by any person* [Any person who, while operating a vehicle on a highway, runs against or over, any other person, vehicle or personal property, in possession of any other person in such a manner as to injure the other person or damage the property,] shall immediately stop and ascertain the extent of the injury or damage and render *reasonable assistance* [such assistance as may be needed], *including the carrying, or making of arrangments for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person* [including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant]. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five in number.

(2) *The operator of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving, or shall file a report with the local police department.*

*(3)* [(2)] The operator of a vehicle involved in an accident *in subsection (1) or (2) above* resulting in injury to or death of any person or in which total property damage of two hundred dollars ($200) or more is

sustained shall, within *twenty (20)* [ten (10)] days, report the matter in writing to the department of transportation.

*(4)* [(3)] Whenever the operator of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident who is capable of making a report, that occupant shall make the report or cause it to be made.

*(5)* [(4)] The State Police may require the operator to file supplemental reports whenever the original report required by subsection *(3)* [(2)], is, in its opinion, insufficient. It may also require witnesses of accidents to render reports to the State Police.

Section 24. For the purposes of this Act there is hereby appropriated to the department of transportation in addition to the appropriations made by law out of the general fund in the state treasury the sum of $150,000 for the fiscal year 1976-77 and the sum of $150,000 for the fiscal year 1977-78.

Amend printed copy of Senate Committee Substitute for **HB 87** as follows:

On page 4, subsection (4), at line 25, delete “*an*“; on line 26, delete “*annual*“; delete brackets around “*a calendar year.*” and delete “*, shall expire at mid-*“.

On page 5, delete lines 1 through 5 in their entirety; on line 6, delete “*tration in the following year.*”

On page 6, line 24, delete “*an annual basis and such registra-*” and delete lines 25 and 26 in their entirety.

On page 7, delete lines 1 through 4 in their entirety; on line 5, delete brackets from “*or before March 1 of each year.*“; delete lines 11 through 19 in their entirety; on line 20, delete subsection “*(4)*” and substitute therefor subsection “*(3)*“.

On page 8, line 3, delete subsection “*(5)*” and substitute therefor subsection “*(4)*“.

On page 13, line 18, delete, “*required to be registered under KRS 186.050(2)*“; and on line 19, delete the bracket before the word “*other*” and after the word “*vehicle*“.

On page 15, line 20, delete the bracket before “*(2)*“; and on line 26 after “*March 31.*“; and on page 32, after line 18 by adding:

“A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of this chapter, the department shall by January 1, 1978, establish a year-round system for the registration of vehicles under the provisions of KRS 186.050(1). The system shall be designed so as to distribute the work load as uniformly as practicable within the various offices of the county court clerks, as well as the department, on a year-round basis. In implementing a year-round registration system, the department may establish separate and distinct registration years. Each registration year so designated shall begin on the first day of a calendar month and expire on the last day of the last calendar month in a registration period. Registration periods may be designated to include less than twelve (12) consecutive calendar months and registration fees shall be computed at a rate of one-twelfth of the appropriate annual registration fee per month in each registration period. The department may establish a registration year of more than twelve (12) months except that registration fees for designated periods of more than twelve (12) months may be paid at the option of the owner. The department may promulgate reasonable rules and regulations to carry out the orderly implementation and administration of the year-round registration system.”

Agreed.

Representative Lindsay moved that **HB 87,** as amended, be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Bruce, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 4-W. Allen, Crupper, Hancock, P. Richardson.

**HB 87,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 87,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Mason moved that the House concur in the following Senate Amendment to **HB 80:**

Amend printed copy of **HB 80** as follows:

On page 1, line 5, by deleting the word "one" and inserting in lieu thereof the word "two".

Agreed.

Representative B. Richardson moved that **HB 80,** as amended, be passed.

On the roll call the vote was yeas 84-Ackerson, B. Adams, A. S. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 80,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 80,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 602:**

Amend printed copy of **HB 602** as follows:

On page 8, at the end of subsection 6, after the word "*and*" by adding "*in those gassy mines below the water table, inspections shall be more frequent, and as often as practical whenever any danger to workmen is indicated by a previous inspection. Such inspections shall involve at least two inspectors. The inspectors shall locate themselves in different sections of the mine in order to determine the effectiveness and reliability of the ventilation system. Each section of the mine shall be so inspected; and*"

Agreed.

Representative B. Richardson moved that **HB 602,** as amended, be passed.

On the roll call the vote was yeas 88-Ackerson, B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wible, Wooden, Yates. Nays 1-White.

**HB 602,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 602,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 677:**

**HB 677,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 143.020 is amended to read as follows:

On and after *July 1, 1976* [April 1, 1972], in addition to all other taxes imposed by law, a severance tax is hereby levied on every taxpayer measured by the coal severed. The tax shall be four *and one-half* percent *(4 1/2 %)* [(4%)] of the gross value of all coal severed during the reporting period; except that the minimum severance tax liability for a reporting period shall be an amount determined by applying a rate of *fifty cents (50¢)* [thirty cents (30¢)] per ton to the total number of tons severed during the reporting period.

Section 2. KRS 143.040 is amended to read as follows:

*(1)* The department *of revenue* shall administer the provisions of this chapter and shall, *subject to the provisions of Section 3 hereof,* have all the powers, rights, duties, and authority with respect to promulgation of rules and regulations, assessment, collection, refunding and administration of the taxes levied by this chapter conferred generally on it by the Kentucky Revised Statutes including Chapters 131, 134, and 135 of such statutes.

Section 3. KRS 143.090 is amended to read as follows:

*The Department of Transportation shall certify to the Commissioner of the Department of Revenue by October 1 of each fiscal year the amount required for lease rental payments to the Kentucky Turnpike Authority for resource recovery road projects. Upon receiving such certification, the Commissioner of the Department of Revenue shall cause said amount to be deposited from severance tax proceeds to the credit of the transportation fund (road fund). All severance tax collected in excess of the amount required to be deposited to the transportation fund (road fund) shall be deposited by the Department of Revenue to the credit of the general fund.* [All money remitted to the department under this chapter shall be credited to the general fund.]

SECTION 4. A NEW SECTION OF KRS CHAPTER 143 IS CREATED TO READ AS FOLLOWS:

No city, county, taxing district or other unit of government, except the commonwealth of Kentucky, shall levy any occupational, license, excise, severance or other tax, assessment or impost of any kind whatsoever upon the severance, processing, sale, use, transportation, or other handling of coal within the commonwealth of Kentucky.

Section 5. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowls;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents (1 1/2¢) on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents (4 1/2¢) on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at

the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

(8) Property which has been certified as a pollution control facility as defined in KRS 224.850.

*(9) On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests.*

*(10) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(7) in determining the amount of county appropriation to the office of the property valuation administrator.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

KRS 132.200(9) prohibiting the taxation of unmined coal by local taxing districts does not apply to any special voted levies for the purpose of retiring bonds existing prior to January 1, 1977.

Section 7. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25¢) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, and fifteen cents (15¢) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents (1 1/2¢) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trade-marks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205 (3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

*(5) Effective on and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of thirty-one and one-half cents (31 1/2¢) per one hundred dollars of assessed value.*

Section 8. Whereas revenues to be collected pursuant hereto are appropriated for projects to be undertaken in fiscal year 1976-77, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

Agreed.

Representative B. Richardson moved that **HB 677**, as amended, be passed.

On the roll call the vote was yeas 64-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Bevins, Blair, Blandford, Brinkley, Brown, Carpenter, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Head, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Maynard, McBee, McBride, McGill, Morgan, Muncy, O'Brien, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Siler, Stephens, Thomas, Vincent, Wells, White, Wible, Yates. Nays 13-W. Allen, Benson, Beshear, Blythe, Clapp, Clarke, DeFalaise, Holbrook, Holloway, Lindsay, Morris, Nett, Wright.

**HB 677,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 677,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendments to **HB 625:**

**HB 625,** AN ACT relating to state retirement systems.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 16.505 is amended to read as follows:

As used in KRS 16.505 to 16.645, unless the context otherwise requires:

(1) "System" means the state police retirement system created by KRS 16.505 to 16.645;

(2) "Board" means the board of trustees of the Kentucky retirement systems;

(3) "Employer" or "state police" means the bureau of state police, or its successor;

(4) "Current service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation was paid by the employer and employe contributions deducted except as otherwise provided in KRS 16.541;

(5) "Prior service" means the number of years and completed months of employment as an employe prior to July 1, 1958, for which creditable compensation was paid to the employe by the commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in KRS 16.505 to 16.645, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(8) "Creditable compensation" means all salary and wages paid to the employe as a result of services performed for the employer; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(9) "Final compensation" at any time means the creditable compensation of a member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during such five (5) year period multiplied by twelve (12); such five (5) years may be fractional, and need not be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(10) "Final rate of pay" means the actual rate upon which earnings of a member were calculated during the twelve (12) month period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate: 1,950 hours, 260 days, 52 weeks, 12 months, or one year;

(11) "Retired member" means any member entitled to receive benefits under the provisions of KRS 16.505 to 16.645;

(12) "Retirement allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially equivalent benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board except in case of disability retirement the [beneficiary] options *authorized by KRS 61.635* [payable] shall be computed by adding ten (10) years to the age of the member, *provided however, that no disability retirement option shall be less than the same option computed under early retirement*;

(14) "Authorized leave of absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the bureau of state police;

(15) "Normal retirement date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five (55) on July 1, 1958, it shall mean January 1, 1959. A member with thirty (30) or more years of service credit at least fifteen (15) of which are current may declare his "normal retirement date" to be some date prior to his fifty-fifth birthday;

(16) "Disability retirement date" means the first day of the month following total and permanent disability or partial disability;

(17) "Dependent child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student, as defined in the Federal Social Security Act, who has not attained age twenty-two (22);

(18) "Optional allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.505 to 16.645;

(19) "Disability ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(20) "Act in line of duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty;

(21) "Early retirement date" means the retirement date declared by a member who is not less than fifty (50) years of age and has twenty (20) years of service;

(22) "Member" means any officer included in the membership of the system as provided under KRS 16.520 whose membership has not been terminated under KRS 61.535; and

(23) "Regular full-time officers" means the occupants of positions as set forth in KRS chapter 18 as provisional full-time, probationary full-time and permanent full-time.

Section 2. KRS 16.520 is amended to read as follows:

(1) Membership in the system shall consist of all regular full-time officers of the Kentucky state police appointed pursuant to KRS 16.050 who are entitled to exercise the powers of peace officers.

[(2) A member with five (5) or more years of service credit in the state police retirement system who accepts regular full-time employment with the bureau of state police in a position ordinarily included in the Kentucky employes retirement system may, upon the recommendation of the state police personnel board and approval of the board of trustees of the retirement systems, elect to retain membership in the state police retirement system.]

*(2)* [(3) After July 1, 1958, no] *No* person who is age thirty-one (31) or over shall be eligible to become an employe of the Kentucky state police.

[(4) Reciprocal rights provided for in subsection (2) of this section may be exercised retroactively by a member in service on or after July 1, 1968.]

Section 3. KRS 16.541 is amended to read as follows:

(1) Any person who *prior to July 1, 1976,* left the state police or its predecessor in order to enter the armed forces of the United States and who is re-employed by the state police after the effective date of the system is entitled to have credited as current service his period of service in such armed forces, not to exceed six (6) years, provided he applies for reinstatement within two (2) years of discharge, which must be honorable, or within two (2) years of a subsequent termination of any total disability, and, subject to the approval of the state police personnel board, is re-employed.

(2) Any person who prior to the effective date of the system left the state police or its predecessor in order to enter the armed forces of the United States and who was re-employed within two (2) years after his honorable discharge therefrom prior to the effective date of the system shall be entitled to have credited as service his period of service in the armed forces, not to exceed six (6) years.

(3) Any member upon completion of five (5) years of service shall receive current service for a maximum of four (4) years for his period of service in the armed forces of the United States, if his discharge therefrom is honorable and he has not been credited with such service under subsections (1) and (2) of this section provided he pays *thirty-five percent (35%)* [the current employe contribution ratio] of the cost of such service based on the formula adopted by the board; however, members who were taken prisoner by a hostile power at any time during their active military service shall receive current service credit without payment of the *thirty-five percent (35%)* [current employe contribution ratio]. The payment by the member shall be deposited to his individual member's account. The remaining *sixty-five percent (65%)* [ratio of contributions] shall be paid by the state from funds appropriated specifically for such purpose and these payments shall be deposited to the retirement allowance account. If no funds are available in the special appropriation account the board shall not accept employe payments until such time funds are available in the account.

Section 4. KRS 16.543 is amended to read as follows:

(1) Employe contributions shall be deducted from the creditable compensation of each member of the retirement system in the active employment of the bureau of state police of the department of justice as an

officer as defined in KRS 16.520. Service credit shall be allowed for each month such member receives creditable compensation for an average of 100 hours or more of work per month. If the average number of hours of work is less than 100 per month, the member shall be allowed credit only for those months he receives creditable compensation for 100 hours of work.

(2) Contributions shall not be made and no service will be earned while on authorized leave except:

(a) A member shall be entitled to service credit in accordance with KRS 16.541; and

(b) A member on educational leave, approved by the department of personnel, who is receiving 75% or more of full salary, shall receive service credit and shall pay member contributions in accordance with KRS 16.545 and his employer shall pay employer contributions in accordance with KRS *61.565* [16.551]. If a tuition agreement is broken by the member, the member and employer contributions paid during the period of educational leave shall be refunded.

(3) The retirement office, upon detection, shall refund erroneous employer and employe contributions made to the retirement system.

Section 5. KRS 16.576 is amended to read as follows:

(1) A member shall terminate employment on his normal retirement date.

(2) Any member with at least five (5) years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the board, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.

(3) The member shall have the right to elect to have his retirement allowance payable under *subsection (4) of this section or* any one (1) of the plans set forth in *KRS 61.635* [this section]. [In addition to the optional forms of annuities permitted under this section, the board may establish such additional optional forms of annuities as it deems desirable. Such additional forms of annuities shall be based on actuarially equivalent benefits, with due regard to selection against the fund. The member shall not have the right to revoke such election after the initial benefit payment has been drawn by the state treasurer.]

(4) The member may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and fifteen-hundredths per cent (2.15%) of final compensation for each year of service credit.

[(5) The member may elect to receive a decreased monthly retirement allowance during his lifetime and have one-half (1/2) of such retirement allowance continued after his death to his beneficiary during the lifetime of such person. Such benefit payments shall be actuarially equivalent to the retirement allowance payable under subsection (4) of this section.]

[(6) The member may elect to receive a monthly retirement allowance payable for ten (10) years certain, actuarially equivalent to the retirement allowance payable under subsection (4) of this section. If the member should become deceased prior to the expiration of ten (10) years, his beneficiary shall receive the remaining payments monthly for the duration of the ten (10) years.]

[(7) The member may elect to receive a decreased monthly retirement allowance during his lifetime and have such retirement allowance continued after his death to his beneficiary during the lifetime of such person. Such benefit payments shall be actuarially equivalent to the retirement allowance payable under subsection (4) of this section.]

*(5)* [(8)] Notwithstanding any other provisions of this section, upon written notification to the board, a member shall have the option to defer his election to receive his retirement allowance. The retirement allowance payable under a deferred option shall be increased to reflect the deferred receipt of benefits.

Section 6. KRS 16.578 is amended to read as follows:

(1) If a member, eligible to retire [on benefits payable] as provided in KRS 16.576, dies at any time before the first benefit payment has been drawn by the state treasurer and has on file with the board at the time of his death a written designation of a beneficiary, then said beneficiary may elect to receive an annual benefit payable monthly which shall be equal to the benefit that would have been paid had the member retired immediately prior to his date of death and elected to receive payments under subsection *(2) of KRS 61.635* [(7) of KRS 16.576] or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty (120) months certain.

(2) If a member in active employment or on authorized leave of absence with *five (5)* [eight (8)] or more years of service dies at any time before his normal retirement date and has on file with the board at the time of his death a written designation of a beneficiary, then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equal to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at the date of his death, had the member been eligible for retirement and had he chosen benefits payable under subsection *(2) of KRS 61.635* [(7) of KRS 16.576] or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty (120) months certain.

(3) If a member; not in active employment nor on authorized leave of absence with twelve (12) or more years of service, dies at any time before his normal retirement date and has on file with the board at the time of his death a written designation of a beneficiary, then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equal to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at the date of his death, had the member been eligible for retirement and had he chosen benefits payable under subsection *(2) of KRS 61.635* [(7) of KRS 16.576] or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty (120) months certain.

(4) An alternative calculation of benefits payable to the beneficiary under subsection (1) or (2) or (3) of this section shall be determined by computing an annual benefit payable commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive based on his years of service and final compensation at the date of his death reduced by the *survivorship* fifty per cent (50%) [joint and survivor] factor as provided for in KRS *61.635(4)* [16.576(5)], then reduced by fifty per cent (50%) and the actuarial equivalent payable for one hundred twenty (120) months certain shall be determined.

(5) The highest monthly benefit determined under subsection (1) or (2) or (3) or (4) of this section for a life annuity or for payments for one hundred twenty (120) months certain shall be tendered to the beneficiary.

Section 7. KRS 16.580 is amended to read as follows:

(1) Total and permanent disability as used in KRS 16.505 to 16.645 shall mean such disability as results in a member's incapacity to engage in any occupation for remuneration or profit, which disability is the result of bodily injury or disease. Loss by severance of both hands at or above the wrists, or both feet at or above the ankles, or one (1) hand above the wrist and one (1) foot at or above the ankle, or the complete, irrevocable loss of the sight of both eyes shall be considered as total and permanent disability.

(2) Notwithstanding the provisions of subsection (1) of this section, no injury shall be deemed to be disability if such injury results directly or indirectly from:

(a) Injury intentionally self-inflicted while sane or insane; *or*

(b) Injury or disease resulting from military service; or

(c) Disease suffered or contracted prior to date of employment as an employe of the employer.

[(3) Total and permanent disability shall be deemed to cease in event a retired member receiving a benefit by reason of total and permanent disability engages in gainful occupation or work of any sort or if the board determines from medical examination that the member is able to engage in gainful occupation or work of any sort.]

Section 8. KRS 16.581 is amended to read as follows:

(1) In the event disability is total and permanent as provided in KRS 16.580 and occurs on or after July 1, 1968 as a direct result of an "act in line of duty," the member in service shall retire on his disability retirement date and shall be eligible to receive retirement benefits as follows:

(a) For the disabled member benefits as provided under subsection (2) of this section, except that there shall be no service requirement for eligibility except that the member be employed and the monthly retirement allowance payable shall not be less than twenty-five per cent (25%) of the member's monthly final rate of pay.

(b) For each dependent child of the member on his disability retirement date, who is alive at the time any particular payment is due a monthly payment equal to ten per cent (10%) of the disabled member's monthly final rate of pay, however, total maximum dependent children's benefits shall not be greater than forty per cent (40%) of the member's monthly final rate of pay.

(2) In the event disability is total and permanent as provided in KRS 16.580 and is not a direct result of an "act in line of duty," the member in service with five (5) years of service credit shall retire on his disability retirement date and shall be eligible to receive benefits under subsections *(3)* [(4)] to *(4)* [(7)] of KRS 16.576 except that service credit shall be added to the member's total service beginning with his last date of paid employment and continuing to his fifty-fifth (55th) birthday, however, the maximum service credit added shall not exceed the total service the member had upon his last day of paid employment, and the maximum combined service credit for calculating his disability retirement allowance, including total service and added service shall not exceed twenty (20) years, except when the member has accumulated total service of twenty (20) or more years his total service shall be used in computing disability benefits.

(3) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is age fifty-five (55) or over.

Section 9. KRS 16.586 is amended to read as follows:

(1) Partial disability as used in KRS 16.505 to 16.645 shall mean such disability as results in a member's incapacity to continue as an employe of the employer, and which disability has incapacitated such member and is the result of bodily injury or disease. The board shall have full power and exclusive authority to determine

the existence of partial disability; it shall establish by appropriate findings utilizing consistent procedures, including services of an examiner, the disability ratio applicable to such disabled member.

(2) Notwithstanding the provisions of subsection (1) of this section, no injury shall be deemed to be disability if such injury results directly or indirectly from:

(a) Injury intentionally self-inflicted while sane or insane; *or*
(b) Injury or disease resulting from military service; or
(c) Disease suffered or contracted prior to date of employment as an employe of the employer.

(3) In the event the board determines that total and permanent disability of a member receiving benefits under [subsection (1) of] KRS 16.581 has ceased in accordance with the *definition of disability in* [provision of] KRS 16.580, then said member shall be deemed to have a partial disability, provided the conditions set out in subsection (1) of this section apply to the member.

Section 10. KRS 16.645 is amended to read as follows:

The following subjects shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky employes retirement system as follows:

(1) Cessation of membership, as provided for by KRS 61.535;
(2) Medical examiners, as provided for by KRS 61.665;
(3) Actuarial bases, as provided for by KRS 61.670;
(4) Duties of the employer, as provided for by KRS 61.675;
(5) Exemption of benefits of the system for taxation as provided for by KRS 61.690;
(6) *Retirement allowance increase as provided for by KRS 61.691* [Effect of false statement and falsification of records, as provided for by KRS 61.700];
(7) *Calculation of retirement allowance as provided for by KRS 61.595(3) to (4)* [Penalties as provided for by KRS 61.990];
(8) Beneficiaries to be designated by member, change, rights, as provided for by KRS 61.542;
(9) *Year* [Years] of service credit, as provided for by KRS 61.545;
(10) *Refund of contributions, death after retirement, as provided by KRS 61.630* [Uninvested funds, maximum, as provided by KRS 61.585];
(11) Custodian of fund, payments made, when, as provided for by KRS 61.660;
(12) Credit for service prior to membership date, as provided for by KRS 61.526;
(13) Transfer of dormant accounts, as provided for by KRS 61.626;
(14) Member's account, confidential, as provided for by KRS 61.661;
(15) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
(16) Correction of errors in records, as provided for by KRS 61.685;
(17) Maximum disability benefit, as provided for by KRS 61.607;
(18) Retirement application procedure, effective retirement date as provided for by KRS 61.590 [(2) to (7)];
(19) Employer contributions as provided for by KRS 61.565; [and]
(20) Reinstatement of lost service credit as provided for by KRS 61.552*;* [.]
*(21) Reciprocal arrangement between systems, as provided by KRS 61.680; and*
*(22) Refund of contributions, conditions, as provided by KRS 61.625.*

Section 11. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.700, unless the context otherwise requires:

(1) "System" means the Kentucky employes retirement system created by KRS 61.510 to 61.700;

(2) "Board" means the board of trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.700, the members, officers and employes of the general assembly and any other body, entity or instrumentality designated by executive order by the governor, shall be deemed to be a department notwithstanding whether said body, entity or instrumentality is an integral part of state government;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(5) "Employe" means the members, officers and employes of the general assembly and every regular full-time appointed or elective officer or employe of a participating department, including the department of military affairs. The term shall not, however, include persons engaged as independent contractors, seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 61.510 to 61.700;

(6) "Employer" means a department or any authority of such department having the power to appoint or select an employe in such department, including the senate and the house of representatives;

(7) "State" means the commonwealth of Kentucky;

(8) "Member" means any employe who is included in the membership of the system or any former employe whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and months of employment as an employe, on and after July 1, 1956, (except that for members, officers and employes of the general assembly this date shall be January 1, 1960) for which creditable compensation is paid and employe contributions deducted except as otherwise provided in KRS 61.552(7) and KRS 61.555 [(1)], and each member, officer and employe of the general assembly shall be credited with a month of current service for each month he occupies such position during a legislative biennium subsequent to January 1, 1960;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1956, for which creditable compensation was paid; except that, for members, officers and employes of the general assembly this date shall be January 1, 1960. An employe shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer and employe of the general assembly shall be credited with a month of prior service for each month he occupied such position during a legislative biennium prior to January 1, 1960;

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer, except that for members of the general assembly it shall mean an assumed salary of *$18,000* [$15,000] per annum which shall include per diem and expense payments authorized by KRS chapter 6. The creditable compensation of members, officers and employes of the general assembly shall be calculated as having been received in equal amounts for each month of the biennium. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money.

(14) "Final compensation" of a member means the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). Said five (5) years may be fractional and need not be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(15) "Final rate of pay" means the actual rate upon which earnings of an employe were calculated during the twelve (12) months period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate; 1,950 hours, 260 days, 52 weeks, 12 months, one year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board except in cases of disability retirement the [beneficiary] options *authorized by KRS 61.635* shall be computed by adding ten (10) years to the age of the member, *provided however, that no disability retirement option shall be less than the same option computed under early retirement*;

(18) "Normal retirement date" means the sixty-fifth birthday of a member unless otherwise provided in KRS 61.510 to 61.700;

(19) "Fiscal year" of the system means the twelve (12) months from July 1, through the following June 30;

(20) "Officers and employes of the general assembly" means the occupants of those positions enumerated in KRS 6.150 and the assistants if employed by the general assembly for at least six (6) legislative bienniums; and

(21) "Regular full-time positions" as used in KRS 61.510(5) shall mean all positions as set forth in KRS chapter 18 as provisional full-time, probationary full-time and permanent full-time, all positions of local health departments meeting the definitions as set forth in KRS chapter 18 of provisional full-time, probationary full-time and permanent full-time and all other positions except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year;

(b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;

(c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed six (6) months in any event and not renewable;

(d) Part-time positions which are positions which may be permanent in duration, but which require less than an annual or fiscal year average of one hundred (100) hours of work per month in the performance of duty*;* [.]

*(22) "Delayed contribution payment" means an amount paid by an employe for current service obtained under KRS 61.552. Such amount shall be determined using the same formula adopted by the board for purchase of service under KRS 61.552(7) except the employe shall pay a single payment of 50% of the total cost of such service with no cost to the employer. A delayed contribution payment shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member;*

*(23) "Parted employer" means a department, portion of a department, board or agency (such as Outwood Hospital and School) which previously participated in the system, but due to lease, or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore, no longer participating in the system.*

Section 12. KRS 61.525 is amended to read as follows:

Membership in the system shall consist of the following:

(1) All persons who become employes of a participating department after the date such department first participates in the system; [and]

(2) All persons who are employes of a department on the date the department first participates in the system, either in service or on authorized leave from service, and who elect within thirty (30) days following such department's participation, or in the case of persons on authorized leave, within thirty (30) days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 61.510 to 61.700; [and]

(3) All persons who are employes of any credit union whose membership is limited to employes of state government; [.]

*(4) All persons who were professional staff employes of the council on public higher education or the higher education assistance authority and were contributing to the system on the effective date of executive order 74-762 or 75-964 respectively and file a written election of their desire to continue in the system; and*

*(5) All persons who were professional staff employes of the Kentucky authority for educational television on and after July 1, 1974.*

Section 13. KRS 61.541 is amended to read as follows:

(1) The *creditable compensation* [official income] of fee officers who receive salary or fees or maintenance or other perquisites as a result of their official duties is the gross amount thus received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses.

(2) Each such officer shall estimate the amount of *creditable compensation* [official income] he expects to receive during a calendar year and shall report and pay employe contributions monthly on one-twelfth (1/12) of such estimated *creditable compensation* [official annual income].

(3) On or before April 30 of each [fiscal] year, each such officer shall file with the retirement office a report of his actual *creditable compensation* [official income] during the previous calendar year. This report shall be in the form of an affidavit and shall be used by the retirement system as a basis of adjusting the individual's account in the retirement system.

(4) The retirement office shall make a calculation of the amount of the additional contributions due or the excess contributions paid during the previous calendar year. In the event additional contributions are due, both the officer and employer shall pay such contributions on or before June 30 of the year in which the recalculation was made. In the event the recalculation shows that excess contributions have been paid both the officer and the employer shall be reimbursed the amount of overpayment.

(5) Retirement allowances which might otherwise be due such an officer shall be withheld until the provisions of this section have been fully met.

Section 14. KRS 61.542 is amended to read as follows:

(1) Prior to retirement:

(a) Each member shall designate a principal beneficiary and may designate a contingent beneficiary. This designation shall remain in full force and effect until change by the member *except, a final divorce decree terminates an ex-spouse's status as beneficiary, unless the member redesignates the ex-spouse as beneficiary subsequent to the issuance of the divorce decree*;

(b) In the event the death of the principal beneficiary precedes the death of the member, the contingent beneficiary becomes the principal beneficiary provided the member has not filed a notification of retirement with the board; and

(c) In the event the deaths of the principal beneficiary and the contingent beneficiary precede the death of the member, the estate of the member becomes the beneficiary provided the member has not filed a notification of retirement with the board.

(2) Subsequent to retirement:

(a) The beneficiary designated by the member on his notification of retirement supersedes the designation of any previous beneficiary. If the death of this beneficiary precedes the date the first benefit payment has been drawn by the state treasurer, the member may designate another beneficiary; and

(b) A member shall not have the right to change his beneficiary after the first benefit payment has been drawn by the state treasurer. The estate of the retired member becomes the beneficiary if the date of death of the beneficiary precedes or coincides with the date of death of the retired member or if the retired member had designated a spouse and they were divorced on the date of the retired member's death.

(3) In the event a beneficiary is convicted of a crime against the member, the beneficiary shall not be eligible for any benefits from the member's account, and the member's estate shall become the beneficiary.

Section 15. KRS 61.543 is amended to read as follows:

(1) Employe contributions shall be deducted each payroll period from the creditable compensation of each employe of an agency participating in the retirement system while he is classified as regular full-time as defined in KRS 61.510 [(5) and (20)] unless such person did not elect to become a member as provided by subsection (2) of KRS 61.525. Service credit will be allowed for each month such contributions are deducted during a fiscal or calendar year, provided the member receives creditable compensation for an average of one hundred (100) hours or more of work per month. If the average number of hours of work is less than one hundred (100) per month, the member shall be allowed credit only for those months he receives creditable compensation for one hundred (100) hours of work.

(2) Employe contributions shall not be deducted from the creditable compensation of an employe while he is seasonal, emergency, temporary or part-time. No service credit will be earned.

(3) Contributions shall not be made and no service credit will be earned by a member while on leave except:

(a) A member on military leave shall be entitled to service credit in accordance with KRS 61.555; and

(b) A member on educational leave, approved by the department of personnel, who is receiving 75% or more of full salary, shall receive service credit and shall pay employe contributions in accordance with KRS 61.560 and his employer shall pay employer contributions in accordance with KRS 61.565. If a tuition agreement is broken by the member the member and employer contributions paid during the period of educational leave shall be refunded.

(4) The retirement office, upon detection, shall refund erroneous employer and employe contributions made to the retirement system.

Section 16. KRS 61.552 is amended to read as follows:

(1) Any employe of a department participating in the Kentucky employes retirement system, or any employe of an agency participating in the county employes retirement system, or any member of the state police retirement system, or any active contributing member of the teachers' retirement system *or a contributing member of the judicial retirement system or an employe of a parted employer* whose employment has previously been terminated and who has been refunded his accumulated contributions, thereby losing service credit, may regain such credit by paying to the system from which he received the refund *or refunds* the amount *or amounts* refunded with interest at a rate determined by the board of the respective retirement system provided, however, the provisions of KRS 161.470 must be met in order to regain such credit in the teachers' retirement system *and provided further that KRS 21.460 shall govern with respect to regaining credit in the judicial retirement system. Such payment including interest as determined by the board shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member.*

(2) Any employe of a county participating in the county employes retirement system or any former county employe who is an employe of a participating department in the Kentucky employes retirement system *or a contributing member of the state police retirement system, teachers' retirement system, or judicial retirement system* who did not elect membership in the county employes retirement system as provided in subsection (2) of KRS 78.540 may obtain credit *in the county employes retirement system* for prior service and for current service by paying to the county employes retirement system *a delayed contribution payment for* the *service* [contribution] he would have *received* [paid] had he elected membership [based on the assumption that his employer did not elect the alternate participation plan, with interest at the rate determined by the board and an additional sum equal to fifty per cent (50%) of this amount. The payment of the fifty per cent (50%) sum shall be considered as accumulated contributions of the individual member].

(3) Any employe of a participating department or any former state employe who is an employe of a county participating in the county employes retirement system *or a contributing member of the state police retirement system, teachers' retirement system or judicial retirement system* who did not elect membership in the Kentucky employes retirement system as provided in subsection (2) of KRS 61.525 may obtain credit *in the Kentucky employes retirement system* for prior service and for current service by paying to the system *a delayed contribution payment for* the *service* [contribution] he would have *received* [paid] had he elected

membership [with interest at the rate determined by the board and an additional sum equal to fifty per cent (50%) of this amount. The payment of the fifty per cent (50%) sum shall be considered as accumulated contributions of the individual member].

(4) An employe of a participating department which did not participate in the system effective July 1, 1956, or any former state employe who is an employe of a county participating in the county employes retirement system *or a contributing member of the state police retirement system, teachers' retirement system or judicial retirement system* may obtain credit *in the Kentucky employes retirement system* for current service between July 1, 1956, and the effective date of participation of his department by paying to the system *a delayed contribution payment for* the *service* [contribution] he would have *received* [paid] had his department participated on July 1, 1956 [, with interest at the rate determined by the board and an additional sum equal to fifty per cent (50%) of this amount. The payment of the fifty per cent (50%) sum shall be considered as accumulated contributions of the individual member].

(5) An employe of a county participating in the county employes retirement system which did not participate in the system effective July 1, 1958, or any former county employe who is an employe of a department participating in the Kentucky employes retirement system *or a contributing member of the state police retirement system, teachers' retirement system or judicial retirement system* may obtain credit *in the county employes retirement system* for current service between July 1, 1958, and the effective date of participation of his county by paying to the county employes retirement system *a delayed contribution payment for* the *service* [contribution] he would have *received* [paid] had his county participated on July 1, 1958 [, with interest at the rate determined by the board and an additional sum equal to fifty per cent (50%) of this amount. The payment of the fifty per cent (50%) sum shall be considered as accumulated contributions of the individual member].

(6) *Effective January 1, 1975, service* [Service] credit obtained under subsections (1) to (5) of this section shall be disallowed *and the recontribution of refund including interest as determined by the board and the delayed contribution payment, if any, shall be paid to the member, upon request, or in the event of his death to his properly designated beneficiary* if the member does not obtain *for service performed* six (6) months [additional] current service credit in either the Kentucky employes retirement system, county employes retirement system, state police retirement system, [or] teachers' retirement system, *judicial retirement system, or as an employe of a parted employer* [, after the date such rights under this section have been exercised].

(7) (a) Effective July 1, 1973, any county participating in the county employes retirement system may purchase current service, between July 1, 1958 and participation date of the county, for present employes of the county who were employes on the participation date of the county and elected coverage under KRS 78.540(2).

(b) Effective July 1, 1973, any department participating in the Kentucky employes retirement system may purchase current service between July 1, 1956 and participation date of the department, for present employes of the department who were employes on the participation date of the department and elected coverage under KRS 61.525(2).

(c) Cost of the service credit purchased under this subsection shall be determined by computing the discounted value of the additional service credit based on an actuarial formula recommended by the board's consulting actuary and approved by the board. A department shall make payment for such service credit within the same fiscal year in which the option is elected. The county shall establish a payment schedule subject to approval by the board for payment of such service credit. The maximum period allowed in a payment schedule shall be ten (10) years with interest at the rate actuarially assumed by the board; however, a shorter period is desirable and the board may approve any schedule provided it is not longer than a ten (10) year period.

(d) If a county or department elects the provisions of this subsection any present employe who would be eligible to receive service credit under the provisions of this subsection and has purchased service credit under subsections (4) or (5) of this section shall have his payment for such service credit refunded with interest at the rate paid under KRS 61.575 or KRS 78.640.

(e) Any payments made by a county or department under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members.

*(8) Interest paid by a member of the Kentucky employes retirement system, county employes retirement system, or state police retirement system under this section or other similar statutes under KRS 16.505 to 16.652 or 61.510 to 61.692 or 78.510 to 78.852 prior to the effective date of this Act shall be credited to the individual member's contribution account in the appropriate retirement system and considered as accumulated contributions of the member.*

Section 17. KRS 61.555 is amended to read as follows:

(1) *Prior to July 1, 1976, any* [Any] employe entering the armed forces of the United States after he first participates in the system, being on leave of absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as current service his period of service in the armed forces of the United States, not to exceed six (6) years, if his discharge therefrom is honorable and he is re-employed within two (2) years after discharge, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is re-employed within two (2) years after his honorable discharge therefrom, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge, shall be entitled to have credited as prior service his period of service in the armed forces, not to exceed six (6) years.

(3) Any national guard technician involuntarily serving on active military duty during the period between January 26, 1968, and January 1, 1970, who completes his eight (8) years service while on military duty during this period, shall have that portion of his service, necessary to the completion of eight (8) years current service, credited to his account, as current service without having to meet the re-employment criteria.

(4) Any employe *eligible for retirement as* [upon completion of the minimum service] prescribed in KRS 61.559 *or any employe upon completion of five (5) years of service* shall receive current service for a maximum of four (4) years for his period of service in the armed forces of the United States, if his discharge therefrom is honorable and he has not been credited with such service under subsections (1) to (3) of this section provided he pays thirty-five percent (35%) of the cost of such service based on the formula adopted by the board. The payment by the member shall be deposited to his individual member's account. The remaining sixty-five percent (65%) shall be paid by the state from funds appropriated specifically for such purpose and these payments shall be deposited to the respective retirement allowance accounts. If no funds are available in the special appropriation account the board shall not accept employe payments until such time funds are available in the account.

(5) A member eligible to purchase military service under subsection (4) of this section shall receive current service credit for military service as provided under subsection (4) of this section without payment of the current employe contribution ratio if such member was taken prisoner by a hostile power at any time during their active military service.

Section 18. KRS 61.557 is amended to read as follows:

*(1)* Inasmuch as the take-over of the Kentucky state employment service by the federal government, through its United States employment service and war manpower commission, was recognized by both federal and state governments as a temporary measure during the war emergency, and the said employment service was, in fact, returned to the state government at the close of the emergency period, the employes of said service are recognized as employes of the commonwealth for the purposes of KRS 61.510 to 61.700 during the period of control by the federal government, just the same as if they had been employed in another department of the government of the commonwealth during that period.

*(2) Should a parted employer rejoin a department as a result of the cancellation of a contract or lease arrangement, thereby causing each employe thereof to again become an employe as defined in KRS 61.510(5) the board is hereby authorized to negotiate with the publicly held corporation or other similar organizations for payment for the years of service credit under the system for all employes working on the date the contract or other lease arrangement is cancelled in order to avoid an impairment in the retirement benefits of said employes, provided any payment accepted by the board for such service is based on a formula consistent with the provisions of KRS 61.552(7).*

Section 19. KRS 61.559 is amended to read as follows:

(1) The [minimum] service *required for a retirement allowance determined under KRS 61.595* [credit] for a member who earns a month of service credit in the month he becomes sixty-five (65) years of age or in some month thereafter, shall be forty-eight (48) months, at least twelve (12) of which are current service.

*(2) A member who does not earn a month of service credit in the month be comes sixty-five (65) years of age or in some month thereafter is eligible for a retirement allowance determined under KRS 61.595 upon attainment of age 65 or a retirement allowance determined under KRS 61.595 prior to age 65 provided:*

*(a) The member has attained age 55 and has service of sixty (60) months at least twelve (12) of which are current service; or*

*(b) The member is a retired member of the state police retirement system, has attained age 55, and has service of forty-eight (48) months at least twelve (12) of which are current service; or*

*(c) The member has thirty (30) or more years of service at least fifteen (15) of which are current service; or*

*(d) The member has attained age 55 and was an employe of a parted employer at the time his employer became ineligible to continue participation in the system, and his service in the system when added to his*

*service with the parted employer subsequent to his separation from state government equals the early retirement service eligibility requirement of the system on the date his employer became ineligible to continue participation in the system.*

[(2) The minimum service credit for a member who does not earn a month of service credit in the month he becomes sixty-five (65) years of age or in some month thereafter, shall be one hundred and eighty (180) months at least twelve (12) of which are current service unless the member is a retired member of the state police retirement system in which case the minimum service shall be forty-eight (48) months at least twelve (12) of which are current service. Notwithstanding the provisions of this subsection, the minimum of one hundred and eighty (180) months shall be decreased by one (1) month for each month that the member's current service exceeds twelve (12).]

Section 20. KRS 61.590 is amended to read as follows:

[(1) Any member with the minimum service credit prescribed in KRS 61.559 may retire on or after his fifty-fifth birthday upon written notification to the board.]

*(1)* [(2)] A member or beneficiary eligible to receive retirement benefits under any of the provisions of KRS 61.510 to 61.990 and 78.510 to 78.990 and 16.505 to 16.552 shall file with the board on the form prescribed by the board, notification of retirement, giving his name, address, social security number, last day of employment and such other information as the board may require.

*(2)* [(3)] Within ten (10) days of the receipt of the notification of retirement form, the board shall cause to be prepared an estimate of the amounts the member or beneficiary may expect to receive under the various plans available to the member or beneficiary. This information shall be recorded on a form entitled, estimated retirement allowance, and forwarded to the member or beneficiary.

*(3)* [(4)] The member or beneficiary shall return the form entitled, estimated retirement allowance, to the retirement office after he has checked the plan of his choice, signed the document and had his signature witnessed. A member or beneficiary may not select a different plan after the first retirement allowance payment has been drawn by the state treasurer.

*(4)* [(5)] A member *or beneficiary* choosing *a monthly payment* [to retire under the basic] plan shall file his birth certificate or other acceptable evidence of date of birth. In the event a survivorship plan is chosen, proof of dates of birth of the beneficiary and member shall be filed.

*(5)* [(6)] The effective date of normal retirement [and disability retirement] shall be the first month following the month in which employment was terminated *from a regular full-time position. The effective date of disability retirement shall be the first month following the month in which the member's last day of paid employment occurred.* The effective date of early retirement shall be the first month following the month the notification of retirement form is filed with the retirement office, provided employment has been terminated.

*(6)* [(7)] The effective date of a deferred retirement option as provided under KRS 16.576*(5)* [(8)] shall be the month following age sixty-five (65), or the month following written notification from the member that he wishes to begin receiving retirement payments. In the event of the death of a member who has deferred his retirement allowance, the effective date of retirement shall be the month following the member's death.

*(7) Notwithstanding the provisions of KRS 16.578 or 61.640, the effective date of a beneficiary's retirement allowance under normal, early or disability retirement shall be as prescribed in subsection (5) or (6) of this section should the member die before the first retirement allowance has been drawn by the state treasurer and his beneficiary be eligible for payments under KRS 16.578 or 61.640.*

Section 21. KRS 61.592 is amended to read as follows:

(1) "Hazardous position" means any position whose principal duties involve active law enforcement, active fire suppression or prevention, or other positions, including but not limited to pilots of the department of transportation, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning;

(2) Each employer shall certify to the board in the manner prescribed by the board, the names of all employes deemed by the employer, to be working in a hazardous position as defined in subsection (1) of this section. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the department *or county* indicating that the required employer contributions have been provided for in the budget of the employing department *or county.* The board shall determine whether the names certified by the employer are working in positions meeting the definition of a hazardous position as provided by subsection (1) of this section;

(3) (a) An employe determined by the board to be working in a hazardous position in accordance with subsection (2) of this section shall contribute for each pay period for which he receives compensation, seven per cent (7%) of his creditable compensation;

(b) Each employer shall pay employer contributions based on the creditable compensation of the employes determined by the board to be working in a hazardous position at the employer contribution rate as determined by the board. Such rate will be determined by actuarial methods consistent with the provisions of KRS 61.565.

*(4) The normal retirement age, retirement allowance and other benefits, eligibility requirements, rights and responsibilities of a member in a hazardous position, as prescribed by subsections (1), (2) and (3) of this section, and the responsibilities, rights and requirements of his employer shall be as prescribed for a member and employer participating in the state police retirement system as provided for by KRS 16.505 to 16.652, except the mandatory retirement provisions of KRS 16.576(1) and the maximum employment age in KRS 16.520(2) shall not be applicable;*

[(4) Except as provided in subsection (5) of this section, the retirement allowance of a member eligible to retire with service credit earned while serving in a hazardous position shall be based on the benefits of the state police retirement system as indicated below for the period during which contributions were paid as provided under subsection (3) of this section, and the remainder of his benefit shall be based on the provisions of KRS 61.510 to 61.700 and 78.510 to 78.990. Provisions of the state police retirement system are:

(a) Normal retirement as provided in KRS 16.576 (2) to (8).

(b) Disability retirement as provided in KRS 16.580 to 16.596 except that in determining benefits under KRS 16.581(2) service credit shall be added to the employes total service beginning with his last day of paid employment and continuing to his normal retirement date rather than his fifty-fifth (55th) birthday.

(c) Death in line of duty as provided in KRS 16.601.

(d) Death before retirement as provided in KRS 16.578.

(e) Early retirement as provided in KRS 16.577, however, the member must have attained age fifty-five (55).]

[(5) Notwithstanding the provisions of subsection (4) of this section the normal retirement age for a member occupying a hazardous position shall be based on the number of months that the member has paid contributions in accordance with subsection (3) of this section and employer contributions have been paid on his behalf as provided under subsection (3) of this section.

The following schedule shall be used to determine a member's normal retirement date as provided in this subsection:

Number of months' contributions
paid as a hazardous position:
Normal retirement age:
12
64
24
63
36
62
48
61
60
60]

[(6) The maximum employment age for a person hired in a hazardous position shall be as follows:

Effective Date
Maximum Employment Age
July 1, 1972
38
July 1, 1973
37
July 1, 1974
36
July 1, 1975
35]

*(5)* [(7)] Any person employed in a hazardous position after July 1, 1972 shall be required to undergo a thorough medical examination by a licensed physician, and a copy of the medical report of the physician shall be retained on file by the employe's department *or county* and made available to the board upon request.

*(6)* [(8)] In the event of [any] doubt regarding the benefits *payable to* [of] a hazardous position *employe* under this section, the board shall determine [whether] the benefits *payable* under KRS 61.510 to 61.700 or 78.510 to 78.990 or 16.505 to 16.645 [are applicable].

Section 22. KRS 61.595 is amended to read as follows:

(1) Upon retirement at normal retirement date, or subsequent thereto, a member may receive an annual retirement allowance, payable monthly during his lifetime, which shall consist of an amount equal to one and six-tenths per cent (1.6%) of final compensation multiplied by the number of years of service credit, except that:

(a) The annual normal retirement allowance for members of the General Assembly, who serve during the 1974 General Assembly, and will have eight (8) years or more of total legislative service as of December 31, 1975, shall not be less than $240 multiplied by the number of years of service as a member of the General Assembly;

(b) The annual normal retirement allowance for members of the General Assembly who will have fewer than eight (8) years of service as of December 31, 1975, shall be as prescribed in *Chapter 116, Section 36(1), Acts of the 1972 General Assembly* [this subsection] for legislative service prior to January 1, 1974.

(c) The annual normal retirement allowance for a member with ten (10) or more years of service, *in the Kentucky employes retirement system,* at least one (1) of which is current service, shall not be less than $512.

(2) Upon service retirement prior to normal retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced to reflect the earlier commencement of benefits except that *if the member has attained age 55* there shall be no reduction in the retirement allowance of the member who has thirty (30) or more years of service credit at least fifteen (15) of which are current service.

(3) The retirement allowance shall be calculated by using the member's known creditable compensation prior to his last month's employment and an estimate of his creditable compensation during the last month he was employed. Based upon this calculation, the state treasurer shall be requested to issue the initial retirement *payment* [check].

(4) A new calculation shall be made when the official report has been received of the member's creditable compensation during his last month's employment. However, the retirement allowance determined in accordance with subsection (3) of this section shall be the official retirement allowance unless the new calculation derives an amount which is twenty-five cents (25¢) greater or less than the amount of the initial retirement *payment* [check].

Section 23. KRS 61.615 is amended to read as follows:

(1) Whenever the recipient of a disability retirement allowance is, prior to his normal retirement date, engaged in gainful occupation [of work paying more than the difference between the disability retirement allowance and fifty per cent (50%) of his final compensation], the board at its discretion may reduce such retirement allowance [to an amount which, together with the amount earnable by him equals the amount of fifty per cent (50%) of his final compensation].

(2) Should it be determined that any disabled recipient is able to engage in gainful occupation [paying more than the difference between his retirement allowance and fifty per cent (50%) of his final compensation at retirement], and should the board find that such person shall have refused any employment considered by the board suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the board such refusal was justified.

*(3) The board shall have full power and exclusive authority to reduce or discontinue a disability retirement allowance and the board shall utilize procedures consistent with KRS 61.665, including services of an examiner in determining the amount of reduction in retirement allowance under this section.*

*(4) No disability retirement allowance shall be reduced or discontinued by the board after the member's normal retirement date except in case of re-employment as provided for by KRS 61.637. In any case where a disability retirement allowance has been reduced or discontinued, except where the member is re-employed as provided for by KRS 61.637, the retirement allowance shall be reinstated upon attainment of the member's normal retirement age to the retirement allowance prior to adjustment, provided however, no reinstated payment shall be less than the recipient is receiving upon attainment of the member's normal retirement age.*

Section 24. KRS 61.625 is amended to read as follows:

If a member's employment has been terminated for a period of thirty (30) consecutive days or if the member has remained in a layoff, seasonal, emergency, temporary or part-time position for a period of thirty (30) consecutive days, he, if living, if not, his designated beneficiary, shall be paid, on demand, but not later than thirty (30) days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received. Payments made under this section shall be in lieu of any other benefits due *for such period of service* under any of the provisions of KRS *16.505 to 16.652 and* 61.510 to 61.700 and 78.510 to 78.990, *unless such period of service is regained as provided under KRS 61.552.*

Section 25. KRS 61.630 is amended to read as follows:

(1) Should a retired member who did not elect an optional retirement plan *or a retired member who elected the partial deferred option under KRS 61.635(7)* die at any time after retirement but before receiving total retirement allowances provided in KRS *16.505 to 16.652 and* 61.510 to 61.700 and 78.510 to 78.990 at

least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased retired member.

(2) Should a retired member who elected an optional retirement plan and his beneficiary both die at any time after retirement of the member but before receiving total retirement allowances provided in KRS *16.505 to 16.652 and* 61.510 to 61.700 and 78.510 to 78.990 at least equal to the retired member's accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the estate of the last deceased. In the event of the simultaneous death of the retired member and beneficiary, the estate of the retired member shall become the beneficiary.

(3) Should a beneficiary receiving a lifetime retirement allowance under KRS *16.578 or* 61.640 die before receiving total retirement allowances provided in KRS *16.505 to 16.652 and* 61.510 to 61.700 and 78.510 to 78.990 at least equal to the member's accumulated contributions as of the date of the member's death, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the estate of the beneficiary.

(4) Should a beneficiary receiving a retirement allowance for one hundred twenty (120) months certain under KRS *16.578 or* 61.640 *or a beneficiary receiving a retirement allowance under the life with ten years certain option selected by the member under KRS 61.635(5) or a beneficiary receiving a retirement allowance for the duration of ten (10) years certain as prescribed in chapter 128, section 4(6), acts of the 1974 General Assembly* die before receiving *all payments under the plan,* [one hundred twenty (120) monthly payments,] the executor or administrator of his estate may elect to receive a lump sum payment which shall be the actuarial equivalent to the remaining payments, or said executor or administrator may elect to continue the remaining monthly payments to the estate of the beneficiary.

Section 26. KRS 61.635 is amended to read as follows:

(1) Each member shall have the right to elect to have his retirement allowance payable under any one (1) of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of KRS *16.505 to 16.652 and* 61.510 to 61.700 and 78.510 to 78.990. The amount of any such optional retirement allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to him.

(2) *Survivorship one-hundred per cent (100%)* [Option (a)]. The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance continued after his death to his beneficiary during the lifetime of such person.

*(3) Survivorship sixty-six and two-thirds per cent (66 2/3%). The member may elect to receive a decreased retirement allowance during his lifetime and have two-thirds (2/3) of such retirement allowance continue after his death to his beneficiary during the lifetime of such person.*

*(4)* [(3)] *Survivorship fifty per cent (50%)* [Option (b)]. The member may elect to receive a decreased retirement allowance during his lifetime and have one-half (1/2) of such retirement allowance continued after his death to his beneficiary during the lifetime of such person.

*(5) Life with ten years certain. The member may elect to receive a monthly retirement allowance during his lifetime which shall guarantee payments for one-hundred and twenty (120) months. If the member should become deceased before receiving payments for one-hundred and twenty (120) months, his beneficiary shall receive the remaining payments monthly for the duration of the one-hundred and twenty (120) months period, except if the estate is designated as beneficiary the executor or administrator of the estate may elect to receive a lump sum payment which shall be the actuarial equivalent to the remaining payments, or said executor or administrator may elect to continue the remaining monthly payments to the estate of the member.*

*(6) Social security adjustment options. These options are available to any member who has not attained age 62 as follows:*

*(a) No survivor rights. The member may elect to receive an increased retirement allowance from his effective retirement date through the month he attains age sixty-two (62) at which time his retirement allowance shall be decreased for the remainder of his lifetime.*

*(b) Survivor rights. The member may elect to receive an increased retirement allowance from his effective retirement date through the month he attains age sixty-two (62) based on the option payable under subsection (2) of this section, provided the retirement allowance shall be decreased in the month following the month he attains age sixty-two (62), or the month following the month he would have attained age sixty-two (62), in event of his death, and have such retirement allowance continue after his death to his beneficiary during the lifetime of such person.*

*(7) Partial deferred. The member may elect to receive during his lifetime a decreased retirement allowance, as determined by the member, from his effective retirement date through the month he attains age sixty-two (62), with an increased retirement allowance thereafter provided, however, that the member has one election to increase his allowance prior to attainment of age sixty-two (62) on any annual anniversary date prior to attaining age sixty-two (62).*

*(8)* [(4)] In addition to the optional forms of annuities permitted under this section the board may establish such additional optional forms of annuities as it deems desirable. Such additional forms of annuities shall be based on actuarial equivalent values, with due regard to selection against the fund.

Section 27. KRS 61.637 is amended to read as follows:

(1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.700 and 78.510 to 78.990 and who is re-employed as an employe by a participating agency, shall have his retirement payments suspended for the duration of such re-employment. Monthly payments shall not be suspended for a retired member who is re-employed in a seasonal, emergency, temporary, part-time, or full-time position if he anticipates that he will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of re-employment during the calendar year. The payments shall be suspended at the beginning of the month in which the re-employment occurs.

(2) Employer and employe contributions shall be made as provided in KRS 61.510 to 61.700 and 78.510 to 78.990 on the compensation paid during such re-employment except where monthly payments were not suspended as provided in subsection (1) of this section and the member shall be credited with additional service credit.

(3) In the month following the termination of re-employment, retirement allowance payments shall be reinstated under the plan the member was receiving payments prior to re-employment.

(4) (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his estate, provided he does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of re-employment.

(b) In the event the retired member is paid suspended payments retroactively in accordance with this section, employe contributions deducted during his period of re-employment, if any, shall be refunded to the retired employe and no service credit shall be earned for the period of re-employment.

(c) In the event the retired member is not eligible to be paid suspended payments for his period of re-employment as an employe, his retirement allowance shall be re-computed under the plan the member was receiving payments prior to re-employment as follows:

1. The retired member's final compensation shall be recomputed using creditable compensation for his period of re-employment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his retirement allowance was last determined.

2. If the retired member initially retired on or subsequent to his normal retirement date his retirement allowance shall be recomputed by using the formula in subsection (1) of KRS 61.595 [, if he retired under the Kentucky employes retirement system or the formula in subsection (1) of KRS 78.680 if he retired under the county employes retirement system].

3. If the retired member initially retired prior to his normal retirement date his retirement allowance shall be recomputed using the formula in subsection (2) of KRS 61.595 [if the retired member retired under the Kentucky employes retirement system or the formula in subsection (1) of KRS 78.680 if he retired from the county employes retirement system], except that the member's age used in computing benefits shall be his age at the time of his initial retirement increased by the number of months of service credit earned for service performed during re-employment.

4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of re-employment in lieu of payments under subparagraph 3 provided, however, the member shall not receive less in benefits as a result of the recomputation than he was receiving prior to re-employment *or would receive as determined under KRS 61.691.*

5. Any retired member who was re-employed prior to March 26, 1974 shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.

(5) A retired member, or his estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of re-employment.

(6) (a) "Re-employment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the personnel board under authority of KRS 18.270.

(b) A retired member who has been ordered reinstated by the personnel board under authority of KRS 18.270 and accepts employment by an agency participating in the Kentucky employes retirement system shall void his retirement by reimbursing the system in the full amount of his retirement allowance payments received.

Section 28. KRS 61.640 is amended to read as follows:

(1) If an employe in the active employment of a participating agency or on official leave from such agency, provided such leave has been granted in accordance with the policy of the state department of personnel, with *service credit of sixty (60) months at least twelve (12) of which are current service* [the minimum service credit prescribed in KRS 61.559], dies at any time before the first retirement allowance payment has been drawn by the state treasurer and has on file with the board at the time of his death a written designation of a beneficiary, then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 61.635(2) or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty (120) months certain.

(2) If a member not in the active employment of a participating agency, nor on official leave from such agency, with the [minimum] service [credit] and age prescribed in KRS 61.559 (1) dies before the first retirement allowance payment has been drawn by the state treasurer and has on file with the board at the time of his death a written designation of a beneficiary, then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had he chosen benefits payable under KRS 61.635(2) or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty (120) months certain.

(3) If a member, not in the active employment of a participating agency nor on official leave from such agency with *twelve (12)* [twenty (20)] or more years of service credit at least *one (1)* [five (5)] of which *is* [are] current service, dies at any time before the first retirement allowance payment has been drawn by the state treasurer and has on file with the board at the time of his death a written designation of a beneficiary then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 61.635(2) or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty (120) months certain.

(4) An alternative calcuation of benefits payable to the beneficiary under subsection (1) or (2) or (3) of this section shall be determined by computing an annual benefit payable commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive based on his years of service and final compensation at the date of his death reduced by the *survivorship fifty per cent (50%)* [option (b)] factor as provided for in KRS 61.635*(4)* [(3)] then reduced by fifty per cent (50%), and the actuarial equivalent payable for one hundred twenty (120) months certain shall be determined.

(5) The highest monthly benefit determined under subsection (1) or (2) or (3) or (4) of this section for a life annuity or for payments for one hundred twenty (120) months certain shall be tendered to the beneficiary.

Section 29. KRS 61.645 is amended to read as follows:

(1) The system shall be administered by the board of trustees of the Kentucky retirement systems composed of nine (9) members, who shall be selected as follows:

(a) The commissioner of personnel shall serve as trustee for as long as he occupies the position of commissioner under KRS 18.160 except as provided under subsections (5) and (6) of this section;

(b) Two (2) trustees, who must be members or retired from the county employes retirement system, elected by the members of the county employes retirement system;

(c) One (1) trustee, who must be a member or retired from the state police retirement system, elected by the members of the state police retirement system;

(d) Two (2) trustees, who must be members or retired from the Kentucky employes retirement system, elected by the members of the Kentucky employes retirement system;

(e) Three (3) trustees appointed by the governor of the commonwealth.

(2) The board is hereby granted the powers and privileges of a corporation including, but not limited to the following powers:

(a) To sue and be sued in its corporate name;

(b) To make bylaws not inconsistent with the law;

(c) To conduct the business and promote the purposes for which it was formed;

(d) To contract for investment counseling, actuarial, auditing and other professional services as its statutory purpose may require without limitations of KRS 45.360;

(e) To acquire, hold, sell, dispose of, pledge, lease or mortgage any such property as its purpose may require, notwithstanding the limitations of KRS chapters 45 and 56 provided however, that the board is not authorized to construct a building; and

(f) *The board shall* [To] reimburse any trustee or officer for any legal expense resulting from a civil action arising out of the performance of his official duties.

(3) (a) Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his successor is duly qualified except as otherwise provided in this section.

(b) The trustee to be elected by the members of the county employes retirement system who replaces the attorney general on the board shall have an initial term expiring on March 31, 1977 and nominations for this position and the election process shall take place within ninety (90) days after March 26, 1974, with the attorney general serving until such elected member has been duly qualified and administered the oath of office.

(c) The term of office of the trustee elected by the membership of the Kentucky employes retirement system which now expires on December 10, 1975 shall be succeeded by a term expiring on March 31, 1978.

(4) (a) The trustees selected by the membership of each of the various retirement systems shall be elected by ballot. For each trustee to be elected the board shall nominate not less than six (6) months before a term of office of a trustee is due to expire at least three (3) constitutionally eligible individuals.

(b) Individuals may be nominated by the retirement system members which are to elect the trustee by presenting to the general manager not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, social security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by said retirement system members.

(c) Within three (3) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the general manager shall cause to be prepared an official ballot. The ballot shall carry the name, address, and position title of each individual nominated by the board and by petition. Provisions shall also be made for write-in votes.

(d) The ballots shall be distributed to the eligible voters by mail to their last known residence address.

(e) The ballots shall be addressed to the tabulating committee in care of a predetermined box number at the U.S. Post Office, Frankfort, Kentucky. Access to this post-office box shall be limited to the tabulating committee consisting of three (3) discreet persons appointed by the general manager to count the ballots and tabulate the votes. The individual receiving a plurality of votes shall be declared elected.

(f) The eligible voter shall cast his ballot by checking a square opposite the name of the candidate of his choice. He shall record his social security number, sign, and mail the ballot at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date shall be printed on the ballot.

(g) The tabulating committee shall report in writing the outcome to the chairman of the board of trustees. Cost of an election shall be payable from the funds of the system for which the trustee is elected.

(5) Any vacancy which may occur in an appointed position shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position shall be filled by appointment by a majority vote of the remaining trustees, and should the commissioner of personnel resign his position as trustee it shall be filled by appointment made by the governor; however, any vacancy shall be filled only for the duration of the unexpired term.

(6) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee may serve in more than one (1) position as trustee on the board and should a trustee be in more than one (1) position as trustee on the board, he is hereby permitted a choice of resigning any position. No trustee shall be subject to removal from office except upon conviction of a felony, or of a misdemeanor involving moral turpitude.

(7) Trustees who do not otherwise receive a salary from the state treasury shall receive a per diem of *sixty dollars ($60.00)* [$45] for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with normal state regulations and standards.

(8) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chairman or the general manager. It shall elect a chairman and a vice-chairman. A majority of the trustees shall constitute a quorum, and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.

(9) The board shall:

(a) Appoint or contract for the services of a general manager, and fix his compensation without limitation by the provisions of KRS Chapter 18 and KRS 64.640. The general manager shall be the chief administrative officer of the board;

(b) Appoint such other employes as it deems necessary and fix the compensation for all employes of the board, subject to the approval of the commissioner of personnel;

(c) Require the general manager and such employes as it thinks proper to execute bonds for the faithful performance of their duties notwithstanding the limitations of KRS Chapter 62;

(d) Establish a system of accounting; and

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of KRS 61.510 to 61.700 and 16.505 to 16.645 and 78.510 to 78.990, that it deems necessary or proper in order to carry out the provisions of KRS 61.510 to 61.700 and 16.505 to 16.645 and 78.510 to 78.990.

(10) All employes of said board shall serve during its will and pleasure.

(11) The attorney general, or an assistant designated by him, *may* [shall] attend each meeting of the board and *shall* receive the agenda, board minutes and other information distributed to trustees of the board and the attorney general, may act as legal adviser and attorney for the board and the board is hereby authorized to contract for legal services notwithstanding the limitations of KRS chapter 12.

(12) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All its proceedings and records shall be open for inspection by the public.

(13) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed two per cent (2%) of the total employer and member contributions during such fiscal year.

*(14) Any person adversely affected by a decision of the board involving KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852, may appeal the decision of the board to the Franklin circuit court.*

Section 30. KRS 61.680 is amended to read as follows:

(1) Every employe shall be deemed to consent and agree to any deduction from his compensation required by KRS 16.505 to 16.652 *and* [,] 61.510 to 61.700 and 78.510 to 78.990 and to all other provisions thereof.

(2) (a) Notwithstanding any other provisions of KRS 16.505 to 16.652 *and* [,] 61.510 to 61.990 and 78.510 to 78.990 and 161.220 to 161.715, upon death, disability, or service retirement a member's accounts under the state police retirement system, Kentucky employes retirement system, [and] county employes retirement system and teachers' retirement system shall be consolidated for the purpose of determining eligibility and amount of benefits. The computation of benefits shall be based on the applicable formula in each system and service credit in each system, but the final compensation shall be determined as if all service were in one system. If the member has prior service in more than one system, he must obtain at least twelve (12) months' current service in each system in which he has prior service in order to validate such prior service in each system for purposes of determining consolidated benefits under this section. Upon the determination of benefits each system shall pay the applicable percentage of total benefits.

(b) The provisions of subsection (2)(a) of this section shall be waived if the member notifies the board of his desire to maintain separate retirement accounts in the state police retirement system, Kentucky employes retirement system or county employes retirement system, or if he is a member of the state police retirement system or is working in a hazardous position under the Kentucky employes retirement system or county employes retirement system and as a result of an act in line of duty becomes disabled or deceased [or, if a member working under a position covered by the teachers' retirement system dies and his beneficiary is eligible for death benefits under KRS 161.520, or in the event a member of the teachers' retirement system has eight (8) or more years of service and becomes disabled thereby eligible for benefits under KRS 161.661].

(c) If the member has not contributed at least one year in a system in which he has prior service his current service in such system shall be valid for purposes of determining eligibility and in computation of benefits on a consolidated basis.

(3) A member with service credit in the Kentucky employes retirement system, *state police retirement system* or the county employes retirement system who enters the service of a department, board, agency or instrumentality of the commonwealth whereby such person would be eligible for membership in [the teachers' retirement system or] the judicial retirement system may elect to retain membership in the system in which he is a member, either the Kentucky employes retirement system, *state police retirement system* or the county employes retirement system. When such an election is made, the agency employing the member shall withhold employe contributions, make employer contributions and remit these contributions to the system in which the member retained his membership.

(4)*(a) Prior to July 1, 1976 a* [A] person entering the service of an employer participating in the Kentucky employes retirement system or the county employes retirement system with service credit in the teachers' retirement system and who desires to retain membership in the teachers' retirement system, and who is permitted by that system to continue is hereby exempt from participating in the Kentucky employes retirement system or the county employes retirement system.

*(b) Any person who has elected to retain membership in the teachers' retirement system as provided in subsection (a) of this section may cancel his election and participate in the system under which his position would normally participate, provided he elects to cancel his option prior to January 1, 1977.*

*(c) Any member of the general assembly who upon election is a contributing member of the teachers' retirement system may elect to retain membership in the teachers' retirement system during his term of office rather than participate in the Kentucky employes retirement system. Such election to retain membership in the teachers' retirement system must be filed in writing within 90 days after his term of office begins or he will participate in the Kentucky employes retirement system during his term of office. No contributions may be made to the teachers' retirement system for the same period of service under the Kentucky employes retirement system as a member of the general assembly.*

(5) Effective July 1, 1974 any member of the Kentucky employes retirement system or county employes retirement system who is working in a position covered by one of these retirement systems and his employe contributions, service credit and employer contributions made on his behalf are being transferred to the other retirement system shall contribute to the system in which his employer participates and no further contributions or service credit shall be transferred to the system in which he elected to retain membership as subsection (2) of this section eliminates the necessity of such transfers.

*(6) Notwithstanding the provisions of subsection (3) of this section and Section 2 of House Bill 431 of the 1976 General Assembly, a person entering membership of the judicial retirement system with service credit in the state police retirement system, Kentucky employes retirement system, county employes retirement system or teachers' retirement system will become vested for early and normal retirement benefits in each system in which he has service credit when his combined service credit in all systems is equal to that required for vesting in each respective system.*

Section 31. KRS 61.691 is amended to read as follows:

*(1)(a) Effective on the first day of the month following the date this Act becomes law, a recipient of a retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852 shall have his retirement allowance increased by two per cent (2%) for each year since his effective retirement date as provided under KRS 61.590, subject to a maximum increase of 20%, except a recipient of an early retirement allowance under KRS 16.577, 61.595(2) and Chapter 116, section 70(2), acts of the 1972 General Assembly shall not receive such increase unless the retired member's age is within five (5) years of his normal retirement date.*

*(b) Any fractional portion of a year shall be computed on a pro-rata basis.*

*(2) Effective July 1, 1977 the retirement allowance of each recipient of a retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852 shall be increased in the amount of one-twelfth of two per cent (1/12 of 2%) for each month since his effective retirement date as prescribed under KRS 61.590, subject to a maximum increase of two per cent (2%) except a recipient of an early retirement allowance under KRS 16.577, 61.595(a) and Chapter 116, section 70(2), acts of the 1972 General Assembly shall not receive such increase unless the retired member's age is within five (5) years of his normal retirement date.*

*(3) A re-employed retired member whose payments are suspended as provided under KRS 61.637 shall be eligible for an increase in his suspended retirement allowance as provided under this section, computed as if he were receiving said retirement allowance at the time such increase under this section is effective.*

[A person entitled to receive retirement payments under KRS 61.510 to 61.700 shall have his benefits increased by six and sixty-seven hundredths per cent (6.67%) effective April 1, 1972.]

Section 32. KRS 78.510 is amended to read as follows:

As used in KRS 78.510 to 78.880, unless the context otherwise requires:

(1) "System" means the county employes retirement system;

(2) "Board" means the board of trustees of the system as provided in KRS 78.780;

(3) "County" means any county or political subdivision or instrumentality, including school boards, or urban county government participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and provided the board is willing to accept such agency or corporation, the board being hereby granted the authority to determine the eligibility of such agency to participate;

(4) "School board" means any board of education participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and provided the board is willing to accept such agency or corporation, the board being hereby granted the authority to determine the eligibility of such agency to participate;

(5) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(6) "Employe" means every regular full-time appointed or elective officer or employe of a participating county. The term shall not, however, include persons engaged as independent contractors, seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 78.510 to 78.990;

(7) "Employer" means a county, the electorate of a county, or any authority of such county having the power to appoint or elect an employe to office or employment in such county.

(8) "Member" means any employe who is included in the membership of the system or any former employe whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and months of employment as an employe, on and after July 1, 1958, for which creditable compensation is paid and employe contributions deducted except as otherwise provided in KRS 61.552(7), 61.555 [(1)] and 78.530;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1958, for which creditable compensation was paid. An

employe shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work;

(12) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five-year period multiplied by twelve (12). Said five (5) years may be fractional and need not be consecutive. In the event the number of months of service credit during such five-year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(15) "Final rate of pay" means the actual rate upon which earnings of an employe were calculated during the twelve (12) months period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate: 1,950 hours, 260 days, 52 weeks, 12 months, one year:

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board except in case of disability retirement the [beneficiary] options *authorized by KRS 61.635* shall be computed by adding ten (10) years to the age of the member, *provided however, that no disability retirement option shall be less than the same option computed under early retirement*;

(18) "Normal retirement date" means the sixty-fifth (65th) birthday of a member unless otherwise provided in KRS 78.510 to 78.990;

(19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30;

(20) "Agency reporting official" means the person designated by the participating agency to file reports with the county employes retirement system;

(21) "Regular full-time positions" as used in subsection (6) of this section shall mean all positions except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year;

(b) Emergency positions which are positions which do not exceed thirty (30) working days and are non-renewable;

(c) Temporary positions which are positions of employment with a participating agency for a period of time not to exceed twelve (12) months in any event and not renewable;

(d) Part-time positions which are positions which may be permanent in duration, but which require less than an annual or fiscal year average of one hundred (100) hours of work per month in the performance of duty, except in case of school bus drivers for school boards, in which event the school term average shall be eighty (80) hours of work per month in the performance of duty; and

(22) "Alternate participation plan" means a new method of participation in the system as provided for by KRS 78.530(3) which shall become effective July 1, 1973.

Section 33. KRS 78.545 is amended to read as follows:

The following matters shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky employes retirement system as follows:

(1) Cessation of membership, conditions, as provided for by KRS 61.535;
(2) Statement of member and employer, as provided for by KRS 61.540;
(3) Beneficiary to be designated by member, change, rights, as provided for by KRS 61.542;
(4) Service credit determination, as provided for by KRS 61.545;
(5) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
(6) Service credit, armed forces, as provided for by KRS 61.555;
(7) *Normal and early retirement eligibility requirements* [Minimum service credit required], as provided for by KRS 61.559;
(8) *Retirement allowance increases as provided for by KRS 61.691* [Uninvested funds, maximum, as provided for by KRS 61.585];
(9) *Retirement application procedure, effective retirement date* [Service retirement, conditions,] as provided for by KRS 61.590;

(10) Disability retirement, conditions, as provided for by KRS 61.600;
(11) Disability retirement, allowance, as provided for by KRS 61.605;
(12) Medical examination after disability retirement, as provided for by KRS 61.610;
(13) Disability retirement allowance, reduction, as provided for by KRS 61.615;
(14) *Determination of retirement allowance as provided for by KRS 61.595;* [Disability retirement allowance, cessations, as provided for by KRS 61.620]
(15) Refund of contributions, conditions, as provided for by KRS 61.625;
(16) Refund of contributions, death after retirement, as provided for by KRS 61.630;
(17) Optional retirement plans as provided for by KRS 61.635;
(18) Suspension of retirement payments on re-employment, reinstatement, as provided for by KRS 61.637;
(19) Death before retirement, beneficiary's options, as provided for by KRS 61.640;
(20) Board of trustees, conflict of interest, as provided for by KRS 61.655;
(21) Custodian of funds, payments made, when, as provided for by KRS 61.660;
(22) Medical examiners, as provided for by KRS 61.665;
(23) Actuarial bases, as provided for by KRS 61.670;
(24) Employer's administrative duties, as provided for by KRS 61.675;
(25) Correction of errors in records, as provided for by KRS 61.685;
(26) Exemptions of retirement allowances, as provided for by KRS 61.690;
[(27) False statements or falsification of records, penalty, as provided for by KRS 61.700;]
*(27)* [(28)] Credit for service prior to membership date, as provided for by KRS 61.526;
*(28)* [(29)] *Creditable compensation* [Official income] of fee officers, as provided for by KRS 61.541;
*(29)* [(30)] Transfer of dormant accounts, as provided for by KRS 61.626;
*(30)* [(31)] Members' account, confidential, as provided for by KRS 61.661; and
*(31)* [(32)] *Retirement plan for employes determined to be in a hazardous* [Hazardous] position [s] as provided for by KRS 61.592 [(1) to (3) and (7) to (8): further provided, however, that the normal retirement age, maximum employment age, and retirement allowance of a member serving in a hazardous position shall be determined in the same manner as a member of the state police retirement system as provided for by KRS 16.505 to 16.645 except the mandatory retirement provision of KRS 16.576(1) shall not be applicable];
*(32)* [(33)] Maximum disability benefit as provided for by KRS 61.607;
*(33)* [(34)] Consent to employes to deductions and reciprocal arrangement between systems, as provided for by KRS 61.680;
*(34)* [(35)] Employer contributions as provided for by KRS 61.565; and
*(35)* [(36)] Recontribution [s] and delayed contribution [s] *payments* as provided for by KRS 61.552.

Section 34. KRS 78.550 is amended to read as follows:

Any person who is an employe on the date his county first participates in the system, either in service or on leave from service, who does not elect within the time set forth in KRS 78.510 to 78.880 to become a member and thereby make contributions required of him by KRS 78.510 to 78.880, shall forfeit all right for credit for service with any county prior to the date he might subsequently elect to become a member, except as provided in KRS *61.552* [78.607].

Section 35. KRS 78.615 is amended to read as follows:

(1) Employe contributions shall be deducted each payroll period from the creditable compensation of each employe of an agency participating in the system while he is classified as regular full-time as defined in KRS 78.510 [(5)] unless such person did not elect to become a member as provided by subsection (2) of KRS 78.540. Service credit will be allowed for each month such contributions are deducted during a fiscal or calendar year, provided the employe receives creditable compensation for an average of one hundred (100) hours or more of work per month. If the average number of hours of work is less than one hundred (100) hours per month, the employe shall be allowed credit only for those months he receives creditable compensation for one hundred (100) hours of work.

(2) Employe contributions shall not be deducted from the creditable compensation of any employe while he is seasonal, emergency, temporary or part-time. No service credit will be earned.

(3) Contributions shall not be made and no service credit will be earned by a member while on leave except:

(a) A member on military leave shall be entitled to service credit in accordance with KRS 61.555; and

(b) A member on educational leave who meets the criteria established by the state department of personnel for approved educational leave, who is receiving 75% or more of full salary shall receive service credit and shall pay member contributions in accordance with KRS 78.610 and his employer shall pay employer contributions in accordance with KRS *61.565* [78.620]. If a tuition agreement is broken by the member the member and employer contributions paid during the period of educational leave shall be refunded.

(4) The retirement office, upon detection, shall refund erroneous employer and employe contributions made to the retirement system.

Section 36. KRS 78.625 is amended to read as follows:

(1) The treasurer of the county shall, by the tenth day of each month, forward to the board an amount equal to the aggregate amount of the *employes'* [employes] contributions deducted during the previous month in accordance with KRS 78.610 and the aggregate amount of the employer's contributions due for the previous month in accordance with KRS *61.565* [78.620].

(2) The treasurer or some other person designated by the county shall forward a record of all such contributions to the board on such forms as the board may prescribe.

(3) Delinquent contributions, with interest at the rate of six per cent (6%) per year compounded annually, may be recovered by action in the Franklin Circuit Court against the county liable therefore or may at the request of the board, be deducted from any other moneys payable to such county by any department or agency of the state.

(4) In the event an agency is delinquent in the payment of contributions due in accordance with any of the provisions of KRS 78.510 to 78.880, refunds and retirement allowance payments to members of this agency may be suspended until the delinquent contributions have been made.

Section 37. KRS 78.780 is amended to read as follows:

(1) The government and control of the system is vested in the board of trustees of the Kentucky retirement systems. The board shall carry out the provisions of KRS 78.510 to 78.991 in the same manner in which it administers the Kentucky employes ['] retirement system. In all matters concerning the administration of KRS 78.510 to 78.991, the same rights, duties, and obligations shall apply to the board as apply under the provisions of KRS 61.510 to 61.700, except that members of the board, when acting for the county employes ['] retirement system, shall be paid a per diem of *sixty* [twenty] dollars *($60.00)* [($20.00)], plus actual expenses.

(2) Expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board payable out of the retirement allowance account in the administration of the system during any fiscal year shall not exceed two percent (2%) of the total employer and member contributions during such fiscal year. Nothing herein shall be construed as limiting appropriations which may be made to the system from other sources.

SECTION 38. A NEW SECTION OF KRS CHAPTER 78 IS CREATED TO READ AS FOLLOWS:

(1) In the event a county participating in the system or an employer thereof or an eligible county which elects to participate in the system, or an employer thereof has acquired a private corporation, company, organization or entity:

(a) The county may elect, by adopting an order appropriate to its governing body under KRS 78.530, that the employes of such former private employer who participate in a retirement plan be eligible for participation in the system.

(b) In the event the county adopts such order, regular full-time employes of the former private employer will be eligible for current service and prior service for the period of time said employes were employed by the private employer acquired if the employe elects to participate in the system as provided in KRS 78.540(2).

(c) If the county elects the alternate particpation plan as set forth in KRS 78.530(3), employe contributions made to a retirement plan in which the employe formerly participated shall be paid into the county employes retirement system and credited to the individual member's account for each employe electing to terminate coverage under his former retirement plan in order to participate in the system under the provisions of this section. Proper credit shall be given to the county for these employe contributions in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3).

(d) If the county does not elect the alternate participation plan as set forth in KRS 78.530(3), employe contributions paid into a former retirement plan by each employe electing to terminate coverage under his former retirement plan as authorized by this section, shall be refunded to the employe unless the employe has a vested account in which case he may elect to leave his contributions in the former retirement plan in order to later receive a pension when he becomes eligible.

SECTION 39. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

A Kentucky employes retirement system member's work performed in the department of state police or its predecessor agency, the state highway patrol, prior to July 1, 1956, shall be creditable as prior service in the Kentucky employes retirement system if the member has not received prior service credit in the state police retirement system for such period of work. The purpose of this section is to grant prior service credit to state employes who cannot obtain such credit under the state police retirement system because of the maximum state police employment age established by KRS 16.520.

Section 40. The reviser of statutes shall change references in KRS Chapters 16, 61, and 78 as follows: where the language appears as 16.505 to 16.645 it shall be changed to read 16.505 to 16.652; where the language appears as 61.510 to 61.700 or 61.510 to 61.990 or 61.570 to 61.585 or 61.510 to 61.650 it shall be changed to read 61.510 to 61.692; and where the language appears as 78.510 to 78.880 or 78.510 to 78.990 it shall be changed to read 78.510 to 78.852.

Section 41. KRS 16.567, 16.573, 16.579, 61.585, 61.620, 78.537, 78.680 and 78.851 are repealed.

Section 42. This Act shall not be construed as repealing any of the provisions of 1976 House Bill 142, but shall be held and construed as ancillary and supplemental thereto.

Amend printed copy of Senate Committee Substitute for **HB 625** as follows:

Page 84, line 8, by inserting after the words "KRS 61.592", and before the bracket, the words, "*except that a county employes retirement system member in a hazardous position may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and twenty-five hundredths percent (2.25%) of final compensation for each year of service credit*".

Agreed.

Representative B. Richardson moved that **HB 625,** as amended, be passed.

On the roll call the vote was yeas 79-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siler, Stephens, Tobin, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 625,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 625,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 496:**

Amend printed copy of **HB 496** as follows:

Page 1, the title by adding after the word "Kentucky" the words "and its employes.".

Agreed.

Representative B. Richardson moved that **HB 496,** as amended, be passed.

On the roll call the vote was yeas 77-Ackerson, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morris, Muncy, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, White, Wible, Wooden, Wright, Yates. Nays 2-Clarke, Imes.

**HB 496,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 496,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative LeMaster moved that the House concur in the Senate Amendment to **HB 587:**

Amend printed copy of **HB 587** as follows:

On page 2, lines 24 and 25, by deleting "*and which has an adequate staff and services consistent with the needs of each child*"; and on

Page 25, after line 17, by adding "; provided, that, the court shall advise the child prior to entering its order under this subsection that the child upon demand may receive a trial by jury in the quarterly court, which trial and any appeal therefrom shall be conducted in accordance with the Rules of Criminal Procedure."

Agreed.

Representative B. Richardson moved that **HB 587,** as amended, be passed.

On the roll call the vote was yeas 86-Ackerson, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

**HB 587,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 587,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 407:**

Amend printed copy of **HB 407** as follows:

On page 1, in 2nd Whereas clause, 2nd and 6th lines, by deleting the words "or mental"

and on page 2, by deleting lines 14 through 19, and on line 20, by deleting "(4)" and substituting in lieu thereof "(3)" and on line 24, by deleting "(5)" and substituting in lieu thereof "(4)"

and on page 3, line 10, by deleting "(6)" and substituting in lieu thereof "(5)"

and on line 16, by deleting "(7)" and substituting in lieu thereof "(6)"

and on line 20, by deleting "(8)" and substituting in lieu thereof "(7)"

and on line 22, by deleting "(9)" and substituting in lieu thereof "(8)"

and on page 4, on lines 9 and 24, by deleting the words "or mental"

and on page 5, lines 5 and 6, by deleting the words "or mental"

and lines 16 and 22, by deleting the words "or mental"

and on page 6, lines 4 and 21, by deleting the words "or mental"

and on page 7, lines 5 and 10, by deleting the words "or mental"

and on page 8, line 1, following the word "physical" by deleting the word "or"

and on line 2, by deleting the word "mental" and on line 5, by deleting the words "or mental"

and on page 9, line 11, by deleting the words "or mental"

and on page 10, line 3, by deleting "or "mental handicap" "

and following "2(2)" by deleting "and 2(3)"

and on line 7, following "2(2)" by deleting "or 2(3)"

and on line 6 following the word "under" by deleting the words "one of" and by deleting the "s" from the word "definitions"

and on page 15, line 25, by deleting the words "or mental"

Agreed.

Representative B. Richardson moved that **HB 407,** as amended, be passed.

On the roll call the vote was yeas 52-Ackerson, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Brown, Burnette, Clarke, Craddock, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Hopkins, Isler, Jones, Kenton, Kidd, King, Lindsay, Little, Mann, May, McBee, McBride, McGill, Morris, Muncy, Nett, Pearl, B. Richardson, Romines, Sale, Siemens, Siler, White, Wible, Wooden, Yates. Nays 12-J. Allen, Arnold, Blair, Brinkley, Crupper, Denham, O'Brien, Richards, P. Richardson, Stephens, Tobin, Vincent.

**HB 407,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 407,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 349:**

Amend printed copy of **HB 349** as follows:

Page 1, line 6, by adding after the word "tenders" the words "made to or accepted by ten (10) or more record holders";

and on page 10, lines 6 through 15, by deleting lines 6 through 15 in their entirety;

and on page 10, line 16, by deleting "Section 9." and inserting in lieu thereof "Section 8.";

and on page 11, after line 13, by adding the following new section:

"(5) The offeror or the target company is an insurance company subject to regulation under Chapter 304 of the Kentucky Revised Statutes.";

and on page 11, line 14, by deleting "Section 10." and inserting in lieu thereof "Section 9.".

Agreed.

Representative B. Richardson moved that **HB 349,** as amended, be passed.

On the roll call the vote was yeas 52-Ackerson, B. Adams, J. Allen, Bennett, Benson, Bevins, Blandford, Brinkley, Bruce, Clarke, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Fitzgerald, Foster, Givhan, Gray, Hurst, Imes, Isler, Jones Kenton, Kidd, King, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morris, Muncy, Nett, O'Brien, Overstreet, Richards, B. Richardson, Romines, Sale, Siemens, Tobin, Thomas, White, Wible, Wooden, Wright, Yates. Nays 15-A. S. Adams, Beshear, Blythe, Brown, Craddock, Crupper, Denham, Hancock, Holbrook, Holloway, Hopkins, Pearl, P. Richardson, Stephens, Vincent.

**HB 349,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 349,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 179:**

Amend printed copy of **HB 179** as follows:

On page 1, line 16, after the word "cartridges" and before the word "without" insert the following: "of a caliber of .240 and greater"

On page 1, line 4, after the word "are" by inserting the word "clearly"

and on lines 4, 5 and 6, by deleting the following: "by such methods which include but are limited to fences, tree lines, crops or other monuments"

Agreed.

Representative B. Richardson moved that **HB 179,** as amended, be passed.

On the roll call the vote was yeas 62-Ackerson, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blythe, Bruce, Clarke, Craddock, Crupper, DeFalaise, Denham, Dietz, Donnermeyer, Doss, Dunn, Floyd, Foster, Givhan, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, Wible, Wooden, Yates. Nays 9-A. S. Adams, J. Allen, W. Allen, Cyrus, Deskins, Gray, Robinson, Vincent, White.

**HB 179,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 179,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 815:**

Amend printed copy of **HB 815** as follows:

On page 1, line 3, by deleting the word "an"

Page 1, line 8, by deleting the period "." after the word "summons" and inserting in lieu thereof the following: "*or unless circumstances within the discretion of the court require the issuance of a warrant.*"

Page 1, line 10, by deleting the word "reappear" and inserting in lieu thereof the word "*appear*"

Page 1, after line 11, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

The issuance of a summons rather than an arrest warrant shall be mandatory for all offenses which are deemed violations as defined in KRS 532.020(4) unless the judicial officer finds that:

(1) the defendant previously has failed to respond to a citation or summons for an offense; or

(2) he has no ties to the community and there is a substantial likelihood that he will refuse to respond to a summons; or

(3) the whereabouts of the defendant are unknown and the issuance of an arrest warrant is necessary in order to subject him to the jurisdiction of the court; or

(4) where arrest is necessary to prevent imminent bodily harm to the accused or to another; or

(5) for any other good and compelling reason as determined by the judicial officer."

On page 1, in the title by deleting the words "motor vehicles" and inserting in lieu thereof the following: "the issuance of summons"

On the roll call the vote was yeas 69-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Bruce, Burnette, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, White, Wible, Yates. Nays 5-Crupper, Fitzgerald, Foster, Hurst, Lindsay.

The House concurred in the Senate Amendment to **HB 815.**

Representative B. Richardson moved that **HB 815,** as amended, be passed.

On the roll call the vote was yeas 63-Ackerson, A. S. Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Brinkley, Burnette, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Doss, Dunn, Floyd, Givhan, Gray, Hardwick, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 12-J. Allen, Blythe, Brown, Clarke, Cooper, Crupper, Denham, Fitzgerald, Foster, Holbrook, Holloway, Lindsay.

**HB 815,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 815,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Boatwright moved that the House concur in the following Senate Amendment to **HB 207:**

Amend printed copy of **HB 207** as follows:

On page 12, line 8, following "3" by placing an opening bracket before the ","; and, on line 9 by placing a closing bracket after "7"

On page 2, line 19, by placing brackets around "15,"; and on line 21, by placing brackets around "15,".

Agreed.

Representative B. Richardson moved that **HB 207,** as amended, be passed.

On the roll call the vote was yeas 72-Ackerson, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brown, Burnette, Clarke, Cooper, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Hancock, Hardwick, Head, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Pearl, Richards, P. Richardson, Robinson, Romines, Sale, Siemens, Siler, Stephens, Thomas, Wells, White, Wible, Wooden, Wright, Yates. Nays 1-Gray.

**HB 207,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 207,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Donnermeyer moved that the House concur in the following Senate Amendment to **HB 706:**

Amend printed copy of **HB 706** as follows:

On page 4, after line 9, add the following:

"Section 5. KRS 227.489 is amended to read as follows:

The Public Service Commission shall require electrical inspectors to be certified. Examinations shall be based on the National Electrical Code incorporated in Article II of the Standards of Safety prescribed by the Public Service Commission. Electrical inspectors who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code, for a period of *three (3)* [five (5)] years, may be certified on the basis of knowledge of this subject and experience."

On page 4, after line 9, insert the following:

"Section 5. KRS 227.489 is amended to read as follows:

The Public Service Commission shall require electrical inspectors to be certified. Examinations shall be based on the National Electrical Code incorporated in Article II of the Standards of Safety prescribed by the Public Service Commission. Electrical inspectors who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code, for a period of five (5) years, may be certified on the basis of knowledge of this subject and experience *except that in counties containing a city of the first class, electrical inspectors need only to have three (3) years experience to be certified on the basis of knowledge and experience.*"

Agreed.

Representative B. Richardson moved that **HB 706**, as amended, be passed.

On the roll call the vote was yeas 52-Ackerson, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Brinkley, Craddock, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Hancock, Head, Hopkins, Hughes, Isler, Kenton, Kidd, King, Kleier, LeMaster, Mann, Maynard, McBee, McBride, McGill, Morgan, Muncy, O'Brien, B. Richardson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Thomas, White, Wible, Wooden, Yates. Nays 20-A. S. Adams, W. Allen, Blair, Blythe, Boatwright, Brown, Burnette, Clarke, Cooper, Denham, Foster, Holbrook, Hurst, Jones, Lindsay, Mason, Nett, Pearl, P. Richardson, Robinson.

**HB 706**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 706**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Richards moved that the House concur in the following Senate Amendment to **HB 248:**

Amend printed copy of **HB 248** as follows:

On page 1, line 10, by adding after the period the following: "*Local Boards of Education may establish policy regarding the number of teachers who may take personal leave on any one (1) day.*"

Agreed.

Representative B. Richardson moved that **HB 248**, as amended, be passed.

On the roll call the vote was yeas 66-Ackerson, B. Adams, A. S. Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blair, Blandford, Brown, Clarke, Cooper, Craddock, Cyrus, DeFalaise, Denham, Deskins, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Mann, Mason, May, McBee, McBride, Morgan, Muncy, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Tobin, Thomas, White, Wible, Wooden, Yates. Nays 2-Bevins, Imes.

**HB 248**, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 248,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Bennett moved that the House concur in the following Senate Amendment to **HB 129:**

Amend printed copy of **HB 129** as follows:

On page 4, lines 19 through 23, on line 19, after the word "*Labor.*" by deleting the following: "*He may designate any number of counties as constituting a single locality. He may also designate all counties of the Commonwealth as a single locality, but, in no event, shall he designate less than an entire county as a locality* ", and by inserting in lieu thereof the following: "*He may designate more than one county as a single locality but, if more than one county is designated, such multi-county locality shall not extend beyond the boundaries of the federal congressional district in which that county is located. In no event shall he designate less than an entire county as a locality*"

On the roll call the vote was yeas 38-Ackerson, J. Allen, Bennett, Benson, Beshear, Blandford, Clapp, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Givhan, Gray, Hardwick, Imes, Isler, Kenton, King, Lindsay, Little, Mann, McBee, McGill, Muncy, Nett, Overstreet, Priddy, Rattliff, Romines, Sale, Siemens, Siler, Wible, Wooden, Yates. Nays 43-B. Adams, A. S. Adams, W. Allen, Arnold, Bevins, Blair, Blythe, Brown, Burnette, Carpenter, Clarke, Craddock, Crupper, Dawahare, DeMarcus, Denham, Fitzgerald, Floyd, Foster, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Jones, Kidd, LeMaster, Mason, May, McBride, Morris, O'Brien, Pearl, Richards, P. Richardson, Robinson, Schmidt, Stephens, Tobin, Vincent, Wells.

The motion that the House concur in the Senate Amendment to **HB 129** was rejected.

The House will ask the Senate to recede from the Amendment to **HB 129.**

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 676:**

Amend printed copy of **HB 676** as follows:

On page 5, after line 16, by adding the following section:

"Section 6. A new section of KRS Chapter 177 is created to read as follows:

All funds credited to the state transportation fund (road fund), from severance tax collection, shall be used for the purposes of paying the annual lease rental payments to the Kentucky Turnpike Authority for Resource Recovery Road projects. Any funds deposited to the credit of the transportation fund (road fund) in excess of the amount required for the annual lease payments shall revert at the close of the fiscal year to the credit of the general fund."

Agreed.

Representative B. Richardson moved that **HB 676,** as amended, be passed.

On the roll call the vote was yeas 61-B. Adams, A. S. Adams, J. Allen, Arnold, Benson, Beshear, Bevins, Blair, Blandford, Bruce, Burnette, Carpenter, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Hancock, Hardwick, Hopkins, Hurst, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Morris, Muncy, O'Brien, Overstreet, Pearl, B. Richardson, P. Richardson, Robinson, Romines, Siemens, Siler, Stephens, Wells, Wible, Wright, Yates. Nays 10-Clarke, DeFalaise, Guenthner, Holbrook, Holloway, Imes, Lindsay, Nett, Vincent, Wooden.

**HB 676,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 676,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 499:**

Amend printed copy of **HB 499** as follows:

On page 2, line 20, by deleting the period and after line 20 by adding "*(i) Spindletop Foundation; (j) Kentucky Public Employes Deferred Compensation System.*"; and on

Page 11, line 3 by deleting the " ["; and on

Page 11, line 4 by deleting the "]"; and on

Page 98, line 26 by deleting "12.280," and by inserting "152.105 to 152.190, KRS 152.510 to 152.580, KRS 152.220, KRS 152.670, KRS 152.700"; and on

Page 99, after line 1 by adding:

"Section 92. KRS 152.590 is amended to read as follows:

The *Executive Department for Finance and Administration* [commission] shall have the following general powers [, in addition to specific powers enumerated in KRS 152.510 to 152.700]:

(1) To acquire by purchase, exercise of the right of eminent domain, grant, gift, devise or otherwise, the fee simple title to or any acceptable lesser interest in any lands, and by lease or other contract the right to use and occupy any lands, selected in the discretion of the *commissioner of the Executive Department for Finance and Administration* [commission] as constituting necessary, desirable or acceptable sites for projects of the *Executive Department for Finance and Administration* [commission], including any and all lands adjacent to a project site as in the discretion of the *commissioner of the Executive Department for Finance and Administration* [commission] may be necessary or suitable for satellite projects or restricted areas; but in all instances lands which are to be designated as radioactive waste material sites shall be acquired in fee simple absolute and dedicated in perpetuity to such purpose;

(2) To convey to private enterprise, or to lease to private enterprise for such term as in the discretion of the *commissioner of the Executive Department for Finance and Administration* [commission] may be in the public interest, any lands so acquired, either for a fair and reasonable consideration or solely or partly as an inducement to the establishment or location in the commonwealth of any scientific or technological facility, project, satellite project or nuclear storage area; but subject to such restraints as may be deemed proper to bring about a reversion of title or termination of any lease in the event the grantee or lessee, as the case may be, shall cease to use the premises or facilities in the conduct of business or activities consistent with *laws and regulations of the Commonwealth* [the purposes of KRS 152.510 to 152.700]; Provided, however, radioactive waste material sites may be leased but may not otherwise be disposed of except to the commonwealth, or to the United States;

(3) To construct, reconstruct, maintain, repair, operate and regulate projects at such locations within the commonwealth as may be determined by the *commissioner of the Executive Department for Finance and Administration* [commission];

(4) To fix by contract, or to establish and revise from time to time and charge and collect revenues, rentals, rates and charges for use of the services and facilities of projects;

(5) To combine for financing purposes any two or more projects;

(6) To establish and enforce rules and regulations for the use of any project;

(7) Without reference to KRS chapter 56, to acquire and hold [in the name of the commission] real and personal property in the exercise of its powers and the performance of its functions and duties under *this section* [KRS 152.510 to 152.700], and to dispose of the same with due regard for public health and safety, except in the case of radioactive waste material sites, which may be disposed of only to the commonwealth itself, or to the United States, except as provided in subsection (2);

(8) To designate the locations and establish, limit and control such points of ingress to and egress from each project as the *commissioner of the Executive Department for Finance and Administration* [commission] may determine to be necessary or desirable to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(9) To make and enter into such contracts and agreements with governmental agencies and private enterprise as may be necessary or incidental to the performance of its duties and the execution of its powers under *this section* [KRS 152.510 to 152.700];

(10) To employ scientists, consulting engineers, health officers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employes and agents as may be necessary in the judgment of the *commissioner of the Executive Department for Finance and Administration* [commission], and to fix their compensation;

(11) To receive and accept from any governmental agency, or from private enterprise, appropriations, grants or contributions in money, property, labor or other things of value, to be held, used and applied for or in aid of any project;

[(12) To expend any funds provided under the authority of KRS 152.510 to 152.700:

(a) to be used as grants to any governmental agency or private enterprise for scientific or technological education, training, research and development, or related projects, and for investigation of potential applications thereof, either with or without federal funds;

(b) to provide scholarships and graduate fellowships in the nuclear, mathematical, physical, medical, biological, engineering and other sciences, either with or without federal funds; and

(c) to publicize the facilities and services of a project or projects to governmental agencies and private enterprise;]

[(13) To maintain a continuing review and study of policies and programs of all governmental agencies and private enterprise in science and technology and related fields, and to enlist the cooperation of state departments, commissions, agencies and boards in carrying out this function, serving all of said units as a coordinating body to obtain maximum utilization of science and technology in the commonwealth; and]

*(12)* [(14)] To do all acts and things necessary or convenient to carry out the powers expressly granted in *this section* [KRS 152.510 to 152.700].

Section 93. KRS 152.690 is amended to read as follows:

(1) It is recognized by the general assembly that any site used as a radioactive waste material site will represent a continuing and perpetual responsibility in the interests of the public health, safety and general welfare, and that the same must ultimately be reposed in a sovereign government without regard for the existence or nonexistence of any particular agency, instrumentality, department, division or officer thereof.

*(2) The Secretary of the Department for Human Resources, or his designee, shall cooperate with the Executive Department for Finance and Administration, and other appropriate state and local agencies, to monitor radioactive waste material sites in Kentucky in the interests of the public health, safety and welfare. The Secretary of the Department for Human Resources shall provide by regulation for the licensing of the possession or use of any source of conveying radiation and the transportation, handling, and disposal of radioactive wastes. Such regulations may specify the form of application for license, the qualifications therefor, grounds for revocation of same by the issuing agency, and such other matters as may be needed to make licensing effective as a means of control.*

[(2) In the event the commission shall acquire and dedicate one or more radioactive waste material sites, the commission may convey such sites to the commonwealth for no other consideration than an undertaking of the commonwealth to maintain, safeguard and operate the same in the interests of the public health, safety and welfare. The conveyance may contain an express provision that the commonwealth thereby assumes such continuing and perpetual responsibility, and the commissioner of health, or other officer succeeding to his functions, may sign the same and bind the commonwealth in that regard; and any such conveyance may be made subject to any existing contractual rights of licensees using source, by-product and special nuclear materials to make use of the site or sites in the disposition of radioactive waste materials.]

SECTION 94. A NEW SECTION OF KRS CHAPTER 152 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates any of the provisions of KRS 152.690, or any regulation lawfully promulgated pursuant thereto, shall be fined not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or imprisoned in the county jail not less than ten (10) days nor more than six (6) months, or both fined and imprisoned. For the purposes of this subsection, each day of violation shall be deemed a separate offense.

(2) Whenever, in the opinion of the attorney general or the Secretary of the Department for Human Resources, any person is violating or is about to violate any of the provisions of KRS 152.690, or any regulation lawfully promulgated pursuant thereto, the attorney general or the Secretary may apply to the appropriate court or courts for an order enjoining the person from engaging or continuing to engage in the violative act, and upon a showing that such person has engaged, or is about to engage in such activity, a restraining order or permanent or temporary injunction, or any other appropriate order may be granted.

SECTION 95. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

The department for natural resources and environmental protection shall enforce the rules and regulations adopted by the secretary of the department for natural resources and environmental protection for the regulation and control of the matters set out below and shall formulate, promote, establish and execute policies, plans and programs relating to natural resources and environmental protection, including but not limited to the following matters:

(1) The proper disposal of garbage, waste and other refuse;

(2) The safe installation and operation of plumbing and plumbing fixtures;

(3) The purification of water for public and semi-public use;

(4) The proper construction and operation of public water purification plants, distribution systems and swimming pools;

(5) The review, approval or disapproval of plans for construction, modification or extension of water purification and distribution systems and swimming pools; and

(6) The certification of water and sewage plant operators."

Agreed.

Representative B. Richardson moved that **HB 499,** as amended, be passed.

On the roll call the vote was yeas 65-B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Beshear, Bevins, Blair, Blandford, Brinkley, Burnette, Carpenter, Clarke, Cooper, Craddock, Cyrus, Dawahare, DeFalaise, Denham, Dietz, Donnermeyer, Doss, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hardwick, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, LeMaster, Lindsay, Little, Mann, Mason, May, McBee, McBride, McGill, Morgan, Muncy, Nett, O'Brien, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Schmidt, Siemens, Siler, Stephens, Vincent, Wible, Wooden, Wright, Yates. Nays 0.

**HB 499,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 499,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Givhan moved that the House concur in the following Senate Amendment to **HB 202:**

Amend printed copy of **HB 202** as follows:

On page 2, line 18, by deleting the words "*ninety (90)*" and inserting in lieu thereof the words "*sixty (60)* ";

and on page 2, line 18, by adding after the comma the words "*and no objection has been filed,*";

and on page 3, line 5, by deleting the word "*ninety*";

and on page 3, line 6, by deleting the words "*(90) day period shall not begin to run until*" and inserting in lieu thereof the words "*amount found to be equitable and just shall become payable immediately upon*".

On the roll call the vote was yeas 71-B. Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Givhan, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Vincent, Wells, Wible, Wooden, Yates. Nays 1-Brown.

The House concurred in the Senate Amendment to **HB 202.**

Representative B. Richardson moved that **HB 202,** as amended, be passed.

On the roll call the vote was yeas 74-B. Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Boatwright, Brinkley, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Hancock, Hardwick, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Overstreet, Pearl, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, Vincent, Wells, Wible, Wooden, Yates. Nays 2-Brown, Priddy.

**HB 202,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 202,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Arnold moved that the House concur in the following Senate Amendment to **HB 451:**

Amend printed copy of **HB 451** as follows:

On page 1, line 3, by deleting the words "or urban county government"

and on page 1, line 14, by deleting the words "or urban county government"

and on page 3, line 7, by deleting the words "or urban county government"

and on page 3, line 24, by deleting the words "or urban county government:"

and on page 4, line 2, by deleting the words "or urban county government"

and on page 4, line 23, by deleting the words "*or urban county government*"

and on page 5, line 1, by deleting the words "*or urban county governments*"

and on page 5, line 6, by deleting the words "*or urban county government*"

and on page 5, line 7, by deleting the word "*or*"

and on page 5, line 8, by deleting the words "*urban-county government*"

and on page 5, after line 10, by inserting the following:

"SECTION 9. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

(1) It is hereby found and declared that there now exists in urban counties in this commonwealth a lack of parking space for automobiles in main business and professional areas including but not limited to those areas commonly referred to as "downtown". It is further found that persons commonly referred to as "shoppers", are induced to transact business in areas providing free parking facilities for reasonable lengths of time. It is further found that many "downtown" or main business areas have deteriorated as a consequence of inadequate or too costly parking facilities and that the tax base has often decreased while the need for governmental services, such as police, fire, and accident protection and street maintenance has often increased all to the detriment of the entire community.

(2) It is hereby declared that it is the policy of this commonwealth to protect and promote the safety, comfort, convenience, and welfare of the people of the commonwealth and particularly of the communities in which there exists inadequate or too costly parking in "downtown" or main business areas and in which the tax base is decreasing or is threatened. It is further declared that adequate and reasonably priced parking facilities promote the safety, comfort, convenience and welfare of the people living and working in all sections of any community but that the greatest benefit falls upon property owners, businesses, and professional persons owning property or offering their goods and services in close proximity to such parking facilities.

SECTION 10. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

As used in this Chapter unless the context requires otherwise:

(1) "Authority" means a local parking authority as created by this Act.

(2) "Commissioner" means a person appointed to serve on the governing body of a local parking authority.

(3) "District" means an area designated by the ordinance creating, under the supervision of the local parking authority, a local parking district that is deemed to be specially benefited.

(4) "Subdistrict" means a part of a district having a different degree of benefit from the remainder of the district.

(5) "Local legislative body" means the governing body of any urban county government whether it be designated as a city commission, city council or any other similar designation.

(6) "Project" means any undertaking within or near a local parking district.

SECTION 11. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

The local legislative body of any county governed under urban-county statutes may, by resolution, create and establish an agency to be known by the name of the largest city in such county and the name of the county itself, separated by the word "and" and the words "parking authority". That agency shall exist for each urban-county government with the powers, duties, and functions as hereinafter provided.

SECTION 12. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

(1) Upon adoption of the resolution creating a parking authority as set out in Section 3 of this Act, the mayor shall within three (3) days appoint, with the approval of a majority of the legislative body, five (5) residents of the urban-county area as commissioners of the local parking authority.

(2) Three (3) of the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), and three (3) years, respectively, and the remaining two (2) of such commissioners shall be designated to serve for four (4) years each, from the date of their appointment. A commissioner shall hold office until his successor has been appointed and qualified. Thereafter all commissioners shall serve four (4) year terms.

(3) The commissioners shall collectively be known as the board of commissioners of the local parking authority and shall constitute its governing body. The local parking authority shall elect a chairman and vice-

chairman from among the members of its board of commissioners. The term of office for each of those officers, unless otherwise prescribed by the authority, shall be for the calendar year or that portion thereof remaining after each such officer is designated or elected.

(4) The board of commissioners may adopt by-laws not inconsistent with this Chapter, to implement the powers and duties granted by this Act.

SECTION 13. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

The board of commissioners shall:

(1) Study the need for new parking facilities within the urban-county and report the results of such study to the legislative body.

(2) Study the need for parking space to be provided without charge to certain classes of users within one or more districts of the urban-county and report the results of such study to the legislative body.

(3) If the authority finds a need for one or more parking districts it may make a report which shall:

(a) Describe the outside boundaries of the proposed local parking district giving due consideration to benefit rendered to each parcel or tract of real estate so included.

(b) Describe the boundaries within the proposed parking district or such subdistricts as may be required to properly adjust for various degrees of benefit to each subdistrict within the local parking district.

(c) Propose parking facilities or structures to be acquired or constructed and give the expected cost of such facilities.

(d) Propose a plan of assessment or taxation or both to be imposed on businesses, professions, and real estate located within the proposed parking district consistent with the fiscal needs of the district.

(4) The authority shall report the results of its study to the legislative body, describing the outside boundaries of the area to be benefited, the nature and extent of benefit, the nature and cost of the facilities proposed, and the details of the plan of assessment or taxation, or both, proposed to be imposed on businesses, professions, and real estate located within the proposed parking district. If the legislative body finds that the general plan is in the public interest, the legislative body shall set by resolution a time and place for a first public hearing on the proposal. A notice of the time and place of the hearing, including the complete text of the report of the authority to the legislative body, shall be published pursuant to KRS Chapter 424. The hearing shall be held before the legislative body, with the mayor presiding.

(5) After the public hearing the legislative body may:

(a) By resolution determine that no local parking district is in the best interests of the urban-county government.

(b) Resubmit the original study and report to the authority with directions to make specific changes.

(c) Make such changes to the proposed boundaries of the district and subdistricts (if any) as may be deemed necessary and make such changes to the proposed ad valorem tax rates or occupational taxes as may be found necessary in keeping with the revenue needs of the district and the benefit expected to be derived to the various recipients. Once such changes are made, the legislative body may create by ordinance the existence of a local parking district incorporating into the ordinance any amendments.

SECTION 14. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

(1) Each parking authority created under the authority of this Act shall constitute a public body, corporate and politic, and shall have the following powers in addition to the others granted:

(a) To sue and be sued; to have a seal; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(b) To make, and from time to time amend and repeal by-laws, rules and regulations in order to effect the purpose of this Chapter;

(c) To hire and maintain such staff personnel as may be required;

(d) To purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property, including air space, or any interest therein, together with any improvements thereon; to demolish buildings and clear improvements from any of its real property and dispose of any personal property resulting therefrom; to dispose of any real or personal property at its fair value; to rent, lease, construct, maintain, manage, operate, repair parking facilities and structures and other real property located within or within reasonable proximity to the parking districts;

(e) To borrow from and to accept loans and grants from the federal, state, urban-county governments or any agency thereof, or from any sources, public or private, and to pledge such security as may be required;

(f) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursements, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

(g) To plan, design and locate parking facilities and structures at, below, or above the surface of the earth;

(h) To contract with any suitable and qualified person, firm or corporation for construction or for operation of any parking facility or structure as is found to be in the public interest;

(i) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys;

(j) To covenant as to the rights, liabilities, powers and duties arising upon the breach of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(k) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or trustees the right in the event of a default by said agency, to take possession of any project or part thereof, and to collect the rents and revenues arising therefrom, or due the agency in connection therewith, and to dispose of such moneys in accordance with the agreement of the agency with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees of the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds;

(l) To exercise all or any part or combination of the powers herein granted; to make convenants other than and in addition to the covenants herein expressly authorized of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the discretion of said agency, except as otherwise provided in this Chapter, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated herein.

(2) The bonds, notes and other obligations of an authority are declared to be issued for an essential public and government purpose, and together with interest thereon and income therefrom shall be exempt from all taxes.

SECTION 15. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

(1) A parking authority shall have power to issue bonds from time to time under this Chapter. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the project or projects financed from the proceeds of such bonds; or

(b) Exclusively from such income and revenues together with grants and contributions from the federal, state, or urban-county government, or other sources. Any such bonds may be additionally secured by a mortgage, deed of trust, or other lien or encumbrance on the property, including pledges of tax increments as allowed by law in the project or projects financed from the proceeds of such bonds.

(2) Neither the members of the board of commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority shall so state on their face that such bonds and obligations issued under this section shall not be a debt of the urban county government, state or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation or restriction and neither the urban county government, state nor any political subdivision thereof shall be liable thereon, nor, in any event, shall such bonds or obligations be payable out of any funds or properties other than those of said authority, except as provided by contract.

(3) Bonds of an authority shall be authorized by resolution of its board of commissioners. Such bonds may be issued in one or more series, each of which may be separately secured, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide.

(4) The bonds may be sold at less than par, and shall be sold at public sale held after notice has been given by publication pursuant to KRS Chapter 424, except that payment for any portion of a project may be made in bonds, provided, however, that: 1. any such transaction shall be approved by the price advisory council before its consummation; 2. such exchange is valid and legal pursuant to regulations of the Internal Revenue Service.

(5) The bonds may be sold with provision that they bear no interest, or only nominal interest, for a period of years, after which they may bear greater interest; and provision may be made for the capitalization of interest for periods not in excess of five (5) years. More than one project may be established within the same project area, and each such project may be financed with a different issue or bonds with differing security. Each of said bond issues may be designed to meet standards required under federal statutes or regulations pertaining to the issuance of tax-exempt bonds; Provided, however that nothing herein shall be deemed to prohibit the issuance of any series of bonds, the interest on which may not be exempt from federal income tax.

(6) In case any of the members or officers of the authority whose signatures appear on any bonds, coupons, notes or other obligations shall cease to be such members or officers before the delivery of such bonds, coupons, notes or other obligations, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds, coupons, notes or other obligations issued pursuant to this Chapter shall be fully negotiable except as limited by their terms.

(7) In any suit, action or proceedings involving the validity or enforceability of any bonds of an authority or the security therefor, any such bonds reciting in substance that they have been issued by the agency to aid in financing a project shall be conclusively deemed to have been issued for a project and said project shall be conclusively deemed to have been planned, approved, located, and carried out in accordance with the purposes and provisions of this Act.

(8) In connection with the issuance of bonds, an authority in addition to its other powers, shall have the power:

(a) To pledge all or any part of its gross or net revenue to which its right then exists or may thereafter come into existence;

(b) To encumber, by mortgage, deed of trust, or otherwise, all or any part of its real or personal property;

(c) To convenant against pledging all or any part of its revenues, or against encumbering all or any part of its real or personal property to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to its sale, leasing, or other disposition of any project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it;

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof;

(e) To covenant as to the amounts to be charged in the sale or lease of properties in a project or projects the amount to be raised from revenue each year or other period of time and as to the use and disposition to be thereof; to create or to authorize the creation of special funds for moneys held for development or other costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the money held in such funds;

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

SECTION 16. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

In order to accomplish its purposes the authority, through its board, may request the legislative body of the urban-county government in which it is located to levy an ad valorem tax on all property within the parking district which is assessed for local taxation, at a rate, which, when calculated in connection with other revenues of the authority, shall not exceed the amount necessary to amortize any bonds issued or proposed to be issued to finance the project or projects proposed by the authority, plus operating expenses of the authority. All ad valorem taxes authorized by this Chapter shall be collected in the same manner as are all other ad valorem taxes and shall be turned over to the board of commissioners as the governing body of the authority. Such taxes shall be solely for the benefit and purposes of the authority and shall be in addition to all other taxes. The legislative body may levy the ad valorem tax so requested initially and from year to year thereafter if required in conjunction with other revenues, to amortize any bonds issued or proposed for a project not disapproved under the authority of this Chapter.

SECTION 17. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

In order to accomplish its purposes the authority, through its board, may request the legislative body of the urban-county government in which it is located to levy an occupational license tax on all businesses, commercial establishments, and professional offices within the local parking district at a rate, which, when calculated in connection with other revenues of the authority, shall not exceed the amount necessary to amortize any bonds issued or proposed to be issued to finance the project or projects proposed by the authority, plus operating expenses of the authority. All occupational license taxes authorized by this Chapter shall be collected in the same manner as are all other occupational license taxes and shall be turned over to the board of commissioners as the governing body of the authority. Such taxes shall be solely for the benefit and purposes of the authority and shall be in addition to all other taxes. The local legislative body may levy the occupational license tax so requested initially and from year to year thereafter if required in conjunction with other revenues, to amortize any bonds issued or proposed for a project not disapproved under the authority of this Chapter.

SECTION 18. A NEW SECTION OF KRS CHAPTER 94 IS CREATED TO READ AS FOLLOWS:

If the authority determines upon application of a business, individual, or property owner doing business, having offices, or owning property within the local parking district, that such business or individual does not benefit from the operation of the authority then an exemption or partial exemption may be ordered by the board of commissioners so as to relieve such business or individual from the same tax as would be imposed on others who are benefited to a greater extent by the operation of the authority."

On the roll call the vote was yeas 44-A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blythe, Brown, Carpenter, Clarke, Craddock, Dawahare, Denham, Donnermeyer, Foster, Hancock, Hardwick, Holbrook, Isler, Kenton, Kidd, King, Kleier, LeMaster, Mann, McBride, McGill, Morgan, Nett, Pearl, P. Richardson, Robinson, Sale, Schmidt, Stephens, Tobin, Thomas, Vincent, Wells, White, Wible, Wooden. Nays 29-Ackerson, W. Allen, Bennett, Boatwright, Burnette, Cooper, Cyrus, Deskins, Dunn, Fitzgerald, Givhan, Gray, Hughes, Hurst, Imes, Jones, Lindsay, Little, Mason, May, Morris, Muncy, O'Brien, Overstreet, Priddy, Romines, Siemens, Siler, Wright.

The House concurred in the Senate Amendment to **HB 451.**

Representative B. Richardson moved that **HB 451,** as amended, be passed.

On the roll call the vote was yeas 51-A. S. Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blythe, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Dawahare, Denham, Deskins, Dietz, Donnermeyer, Foster, Holbrook, Hopkins, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, P. Richardson, Robinson, Sale, Stephens, Thomas, Vincent, Wells, White, Wible, Wooden. Nays 21-Ackerson, W. Allen, Cooper, Crupper, Cyrus, Dunn, Fitzgerald, Givhan, Gray, Guenthner, Hardwick, Hughes, Hurst, Imes, King, Lindsay, Muncy, Priddy, B. Richardson, Siler, Wright.

**HB 451,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 451,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Wells reported that the Conference Committee on **HB 644** cannot agree.

Representative Donnermeyer reported that the Conference Committee on **HB 716** cannot agree.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 57:**

Amend printed copy of **HB 57** as follows:

On page 1, line 16, by deleting the words "thirteen (13)" and inserting in lieu thereof "fifteen (15)";

and on page 2, line 8, by inserting after the word "Kentucky" the words "; two (2) citizens appointed by the Governor";

and on page 3, lines 8-16, by deleting lines 8-16 in their entirety;

and on page 3, line 17, by deleting "Section 7." and inserting in lieu thereof "Section 5.";

and on page 3, line 26, by deleting "Section 8." and inserting in lieu thereof "Section 6.";

and on page 4, line 10, by deleting "Section 9." and inserting in lieu thereof "Section 7.";

and on page 4, line 13, by deleting the words "two hundred ninety-four thousand three hundred";

and on page 4, line 14, by deleting "and eighty dollars ($294,380)" and inserting in lieu thereof "one hundred fifty thousand dollars ($150,000)";

and on page 4, line 15, by deleting the words "two hundred ninety-five thousand";

and on page 4, line 16, by deleting "six hundred dollars ($295,600)" and inserting in lieu thereof "one hundred fifty thousand dollars ($150,000)".

Agreed.

Representative B. Richardson moved that **HB 57,** as amended, be passed.

On the roll call the vote was yeas 65-J. Allen, Arnold, Bendl, Benson, Beshear, Bevins, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Givhan, Gray, Hancock, Holbrook, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Mann, May, McBee, McBride, McGill, Morgan, Morris, Muncy, Nett, O'Brien, Pearl, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Siler, Stephens, White, Wible, Wooden, Wright, Yates. Nays 7-Ackerson, A. S. Adams, W. Allen, Foster, Holloway, Lindsay, Vincent.

**HB 57,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 57,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

## Motions, Petitions and Communications

Representative Hopkins requested that his name be added as a co-sponsor of **HB 806.**

Representative Maynard requested that his name be added as a co-sponsor of **HR 122.**

## Adjournment

Representative McBride moved that the House adjourn until 10:00 a.m., Saturday, March 20, 1976.

On the roll call the vote was yeas 41-A. S. Adams, Bendl, Benson, Blair, Brown, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, DeMarcus, Denham, Floyd, Foster, Givhan, Hancock, Hopkins, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, McBride, McGill, Muncy, Nett, B. Richardson, P. Richardson, Sale, Siemens, Siler, Stephens, Tobin, Thomas, Vincent, Wells, Wible, Wooden. Nays 40-Ackerson, B. Adams, W. Allen, Arnold, Bevins, Blandford, Blythe, Boatwright, Brinkley, Bruce, Clapp, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, May, Morgan, Morris, O'Brien, Overstreet, Pearl, Priddy, Rattliff, Richards, Robinson, Romines, Schmidt, Wright.

The motion to adjourn was adopted.

## SATURDAY, MARCH 20, 1976

## SIXTIETH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Henry D. Johns, Versailles Baptist Church, Versailles, Kentucky.

The roll was called. All present except Representatives J. Turner and R. Turner.

Representative Isler moved that absent members be granted leave of absence in accordance with the prevailing rules of the House. Agreed.

Representative Hughes moved that the reading of the Journal of March 19, 1976, be dispensed with and the same approved. Agreed.

### Motions, Petitions and Communications

Representative Schmidt filed Floor Amendment No. 1 to **SB 336.**

Representative B. Richardson moved that the House request the return of **SB 249.** Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **SR 41, SB 354, SB 56, SB 146, SB 295, SB 359, SB 110, SB 347** and **SB 223** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HR 50, HR 60, HR 61, HR 73, HR 75, HR 100, HB 246, HB 247, HB 292, HB 322, HB 369, HB 459, HB 547, HB 629, HB 643, HB 645, HB 647, HB 648, HB 697, HB 737, HB 740, HB 750, HB 651, HB 759, HB 760, HB 761, HB 763, HB 765, HB 778, HB 783, HB 799, HB 809, HB 813, HB 816, HB 822, HB 713, HB 73,** HB 117, **HB 366, HB 437, HB 626, HB 646, HB 660, HB 665, HB 733, HB 738,** HB 754, **HB 755, HB 802** and **HB 98** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Motions, Petitions and Communications (continued)

Representative DeMarcus moved the adoption of the following Legislative Citation:

The House of Representatives of the Commonwealth of Kentucky hereby honors Mrs. Della Scoggin, supervisor of the Capitol tour guide service, upon her retirement today. This body commends Mrs. Scoggin for her years of courteous service to the public and to the General Assembly. This body appreciates her warm and friendly hospitality, characteristic of the Commonwealth, and recognizes her knowledge of the history of the Capitol and of Kentucky. This body further extends best wishes to Mrs. Scoggin in the future. (Sponsored by Representative DeMarcus)

Agreed.

Representative B. Richardson announced that there will be a Majority Caucus and a meeting of the Committee on Committees on recess to appoint Conference Committees.

## Senate Message

The following letter was received in regard to **HB 644:**

The Conference Committee on House Bill 644 could not agree, therefore the Senate has moved that a Free Conference Committee be called and the following Senate members have been appointed: Senators Friend, Yocom and Johnson. The Senate respectfully requests that this Honorable Body appoint a like Committee for the Conference.

The following letter was received in regard to **HB 716:**

The Conference Committee on **HB 716** could not agree, therefore the Senate has moved that a Free Conference Committee be called and the following Senate members have been appointed: Senators Sheehan, Middleton and Johnson. The Senate respectfully requests that this Honorable Body appoint a like Committee for the Conference.

## Recess

Representative B. Richardson moved that the House recess for fifteen minutes.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Motions, Petitions and Communications (continued)

The following members were appointed to the Free Conference Committee on **HB 644:$MRepresentatives** Stephens, DeMarcus and Wells.

The following members were appointed to the Free Conference Committee on **HB 716:$MRepresentatives** Donnermeyer, Mann and Schmidt.

Representative Mason moved the adoption of the following **HR 139:**

**HR 139,** A RESOLUTION to adjourn on March 20, 1976 in memory of Evan K. Harrod.
WHEREAS, Evan K. Harrod departed this life on January 9, 1976; and
WHEREAS, Mr. Harrod was an attorney in New Castle, Kentucky; and
WHEREAS, Mr. Evan K. Harrod, a son of the Commonwealth will be sorely missed by his family, his friends, and the community;
NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House adjourns this day, March 20, 1976, it does so in memory of Mr. Evan K. Harrod.

Section 2. That the Clerk of the House be directed to deliver a copy of this resolution to the family of Mr. Harrod.

Agreed.

Representative Mason moved the adoption of the following **HR 140:**

**HR 140,** A RESOLUTION to adjourn on March 20, 1976, in memory of Mrs. Rena Mitchell.
WHEREAS, Mrs. Rena Mitchell passed from this life on February 17, 1976; and
WHEREAS, Mrs. Mitchell of Shelbyville was the wife of former Representative Ralph Mitchell; and
WHEREAS, Mrs. Mitchell will be sadly missed by her family and her friends throughout the Commonwealth of Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns this day, March 20, 1976, it does so in memory of Mrs. Rena Mitchell.

Section 2. That the Clerk of the House be directed to deliver a copy of this resolution to the family of Mrs. Mitchell.

Agreed.

## Senate Message

**SB 249** returned for further consideration.

Letters requesting that the House recede from its Amendments to **SB 362** and **SB 211.**

## Motions, Petitions and Communications (continued)

Representative Benson moved the adoption of the following **HR 130:**

**HR 130,** A RESOLUTION commending the legislative interns.

WHEREAS, the 20 legislative interns have assisted the various standing committees of the General Assembly; and

WHEREAS, the interns were chosen on the basis of their proven scholastic excellence by impartial and non-political selection committees; and

WHEREAS, the interns have rendered valuable assistance to the Kentucky legislative process; and

WHEREAS, the interns have prepared themselves for public service in the interest of the Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The legislative interns of the 1976 Regular Session of the General Assembly of the Commonwealth are hereby commended for the outstanding assistance rendered to the legislature.

Section 2. The Clerk of the House of Representatives is directed to send copies of this resolution and certificates of commendation to the legislative interns.

Agreed.

Representatives Stephens moved the adoption of the following **HR 138:**

**HR 138,** by Representative Beshear, LeMaster, Bevins, Hopkins, Kenton and Stephens:

**HR 138,** A RESOLUTION commending the University of Kentucky basketball team.

WHEREAS, Kentucky's basketball Wildcats have wrought devastation among certain of their counterparts in a garden on Madison Square; and

WHEREAS, Coach Joe Hall has this finely tuned machine on a true course for the N.I.T. championship; and

WHEREAS, each player has acquitted himself in a manner completely becoming the tradition and legend of Kentucky basketball; and

WHEREAS, this body views these accomplishments with extreme pride and satisfaction;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the University of Kentucky basketball Wildcats and Coach Joe Hall be and they hereby are commended for their fine performance in the 1976 National Invitational Tournament, and that they be wished every possible success in achieving the tournament championship in their final game on March 21, 1976.

Section 2. That the Clerk be directed to transmit a copy of this resolution to Coach Joe Hall.

Agreed.

Representative Vincent moved the adoption of the following **HR 131:**

**HR 131,** A RESOLUTION commending the honorable B. M. Vincent of Brownsville, Kentucky.

WHEREAS, the honorable B. M. Vincent has given long and faithful service to the Commonwealth of Kentucky; and

WHEREAS, Mr. Vincent began his illustrious career in 1915 when he passed the Kentucky Bar examination, thereby becoming a member of the state's learned, legal profession; and

WHEREAS, Mr. Vincent served the Commonwealth with distinction as Attorney General beginning in 1935; and

WHEREAS, Mr. B. M. Vincent continued to serve his state and his country with dedication as a member of the United States House of Representatives from 1937-1945; and

WHEREAS, Mr. B. M. Vincent should, in the 86th year of his life, be accorded the proper recognition and respect commending his years of meritorious and dedicated public service;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the honorable Mr. B. M. Vincent be commended for his dedication and devotion to his country, his state and his fellow man.

Section 2. That the Clerk of the House be directed to send a copy of this Resolution to Mr. B. M. Vincent.

Agreed.

Representative Vincent moved the adoption of the following **HR 135:**

**HR 135,** A RESOLUTION petitioning Congress to provide protection for landowners from the potential infringement on their rights by a Land Conservation and Development Commission.

WHEREAS, there is constant pressure being applied to create a Land Conservation and Development Commission which will make plans and create guidelines by regulation of land privately owned by citizens of this commonwealth and this country; and

WHEREAS, this pressure is being applied by people other than those free citizens who own the land, and who have attained such land according to the constitution of this commonwealth and these United States; and

WHEREAS, the development of such a commission or regulations and laws pertaining to same, create danger to these individuals rights by incorrect information from unreliable sources, misleading information, lack of adequate participation by the people who own land; and

WHEREAS, it is the privilege and the responsibility of the legislative branch of government to provide by law for the protection of each citizen basic right to land ownership;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Congress of the United States be, and hereby is, petitioned and urged to provide protection from these potential dangers to the right to land ownership and the privilege of use of such land by the owners and that this assembly has recently and many times in the past stood up against this danger.

Section 2. That the Clerk of the House of Representatives shall transmit copies of this resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, and each member of the Congress from this state.

Agreed.

Representative Vincent moved the adoption of the following Legislative Citation No. 64:

The House of Representatives of the Commonwealth of Kentucky hereby honors and congratulates the Edmonson County High School Boys' Basketball Team for having won the 4th Regional Basketball Tournament. This body applauds the talented efforts of this fine team and Coach Davenport and his staff and commends the dedicated support of the Edmonson County Board of Education and Principal Johnny Vincent. This body extends sincere best wishes to the Edmonson County High School Basketball Team for their first trip to the State Tournament. (Sponsored by Representative Vincent)

Agreed.

Representative Kleier moved the adoption of the following **HR 96:**

**HR 96,** A RESOLUTION creating a Kentucky Task Force to study the need for and feasibility of establishing and funding a short term emergency assistance program.

WHEREAS, it is important to secure current data concerning the number and groupings and citizens throughout the Commonwealth who, through accident or circumstances beyond their control, are temporarily unable to provide for such basic human needs as food, shelter and clothing; and

WHEREAS, many Kentuckians are unable to receive temporary financial assistance in times of crisis from any governmental sources or workmen's compensation; and

WHEREAS, the United States census bureau found that 22.9 percent of Kentucky's population or 718,313 citizens have incomes below the poverty level; and

WHEREAS, emergencies can happen to anyone and not all Kentuckians are able to save for such unforeseen crises as death, fire or temporary disability; and

WHEREAS, the churches and private charitable organizations are not financially equipped to provide adequate temporary and emergency support for all persons who request them; and

WHEREAS, forty other states in the United States have chosen to implement a general assistance program in order to assist persons in times of emergency or crisis; and

WHEREAS, the 1978 General Assembly will benefit from a study and evaluation of alternatives which may be utilized in funding and administering a short term emergency assistance program; and

WHEREAS, it is desirable that the 1978 General Assembly obtain data as to proposed costs and benefits to the Commonwealth of a short term emergency assistance program;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Kentucky Task Force on Short Term Emergency Assistance is hereby created to study the need for and feasibility of establishing and funding a short term emergency assistance program and to report such findings to the 1978 regular session of the General Assembly.

Section 2. That the Kentucky Task Force on Short Term Emergency Assistance shall:

(1) Compile statewide data as to the number, location and general characteristics of persons requesting any short term emergency or general assistance benefits available through local fiscal courts or other charitable and church-related community resources;

(2) Examine the adequacy of funds presently available and designated for short term emergency assistance needs in counties throughout the Commonwealth;

(3) Study possible alternatives which may be utilized in funding and administering a short term emergency assistance program, including but not limited to providing for cost sharing between counties and the Commonwealth;

(4) Ascertain the proposed cost and benefits to the Commonwealth of a short term emergency assistance program; and

(5) Use the findings of this study in order to make any needed recommendations to the 1978 regular session of the General Assembly.

Section 3. That the Task Force shall be composed of ten members geographically representative of the Commonwealth, two of whom shall be members of the Interim Joint Committee on Health and Welfare and appointed by the Legislative Research Commission. Two members shall be county judges who shall be appointed by the County Judges Association. One member shall be the administrator of Emergency-Financial Assistance in the Metropolitan Social Services Department. The remaining members shall be one member each from the Louisville Area Coalition on Human Needs and Budget Priorities, Salvation Army, Kentucky Association of Community Action Agencies, League of Women Voters and the Kentucky Council of Chapters of the National Association of Social Workers and appointed by the respective organizations. They shall serve until the 1978 regular session of the General Assembly.

Section 4. That the Task Force members shall be appointed within thirty days of the effective date of this resolution. Within sixty days of the effective date of this resolution, those members who have been appointed shall meet to organize and to commence work. The Task Force members shall hold a maximum of six meetings and shall make a final written report of their findings and any legislative proposals no later than six months prior to the 1978 regular session of the General Assembly. Members shall serve without compensation but shall be reimbursed for all necessary expenses.

Section 5. That the Legislative Research Commission shall assign a staff member to assist the Task Force and shall provide meeting room facilities. All cabinets, agencies and departments of state government shall provide full assistance and information to the Legislative Research Commission and to the Task Force upon request.

Section 6. Expenses of the subcommittee to be utilized in completing the requirements of this resolution are estimated to cost $3,280. These subcommittee expenses shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

Agreed.

### Orders of the Day (continued)

Representative Clarke moved that the vote by which the House refused to concur in the Senate Amendment to **HB 321** be reconsidered.

On the roll call the vote was yeas 77-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blume, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Givhan, Gray, Guenthner, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Vincent, Wells, White, Wible, Wooden, Wright, Yates. Nays 0.

The motion that the vote by which the House refused to concur in the Senate Amendment to **HB 321** be reconsidered was adopted.

Representative B. Richardson moved that the House concur in the Senate Amendment to **HB 321.** Agreed.

Representative B. Richardson moved that **HB 321,** as amended, be passed.

On the roll call the vote was yeas 80-Ackerson, B. Adams, A. S. Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Head, Hopkins, Hughes, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Vincent, Wells, White, Wible, Wooden, Yates. Nays 0.

**HB 321,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 321,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 249,** without the House Amendment, be passed.

On the roll call the vote was yeas 85-B. Adams, A. S. Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blair, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Floyd, Foster, Gay, Givhan, Gray, Guenthner, Hancock, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Jones, Kenton, Kidd, King, Kleier, LeMaster, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Morris, Nett, Pearl, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stephens, Stewart, Tobin, Thomas, Vincent, Wells, Wible, Wooden, Wright, Yates. Nays 0.

**SB 249** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 249** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House recede from its Amendment to **SB 211.**

On the roll call the vote was yeas 45-W. Allen, Arnold, Bennett, Benson, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clapp, Craddock, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Floyd, Foster, Givhan, Head, Hughes, Hurst, Isler, Kenton, Kidd, King, Lindsay, Mason, Maynard, McBee, McBride, Morgan, O'Brien, Richards, B. Richardson, P. Richardson, Sale, Stewart, Tobin, Wells, White, Wible, Yates. Nays 24-Ackerson, J. Allen, Beshear, Bevins, Burnette, Clarke, Cooper, Cyrus, DeFalaise, Deskins, Fitzgerald, Gray, Hancock, Holbrook, Hopkins, Imes, Jones, LeMaster, Little, Mann, Overstreet, Pearl, Stephens, Wooden.

The motion that the House recede from its Amendment to **SB 211** was adopted.

Representative B. Richardson moved that **SB 211** be passed.

On the roll call the vote was yeas 56-B. Adams, Arnold, Bendl, Bennett, Benson, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, DeFalaise, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, LeMaster, Lindsay, Mann, Mason, Maynard, McBee, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, Stephens, Tobin, Wible, Wooden. Nays 14-W. Allen, Bevins, Burnette, Cyrus, Dawahare, Deskins, Fitzgerald, Gray, Little, Overstreet, Robinson, Stewart, White, Wright.

**SB 211** was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 211,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House refuse to recede from its Amendment to **SB 362.** Agreed.

Representatives Morgan, Boatwright, and Head were appointed to the Conference Committee on **SB 362.**

Representative B. Richardson moved the adoption of the following **HR 141:**

**HR 141,** A RESOLUTION adjourning in honor of former Speakers of the House of Representatives.

WHEREAS, to preside is to provoke, promote, prevent, proffer, proclaim, present, and to prevail, but never to prefer; and

WHEREAS, only those fortunate few who have served as Speaker of this honorable body have experienced one of the major satisfactions of service to this Commonwealth and its General Assembly; and

WHEREAS, the appellation "Mr. Speaker" is an honor not to be lightly regarded, having been sought by many and achieved by few; and

WHEREAS, these gentleman assembled here today, when presiding over this House of Representatives did so with distinction, competence, fairness and the respect of each member; and

WHEREAS, it behooves the House of Representatives to recognize and honor their service, rendered so diligently and unselfishly;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives does hereby bestow its honor, esteem, gratitude and best wishes upon the following former Speakers:

Honorable Norbert Blume
Honorable John Young Brown
Honorable Julian Carroll
Honorable Stanley Dickson
Honorable Adron Doran
Honorable John Kirtley
Honorable Harry King Lowman
Honorable Shelby McCallum
Honorable Harry Lee Waterfield
Honorable Morris Weintraub

Section 2. That when the House of Representatives does adjourn this day, Saturday, March 20, 1976, it does so in honor and tribute to these esteemed former Speakers of the House of Representatives.

Agreed.

Representative B. Richardson moved that all former Speakers of the House of Representatives be granted the privilege of the floor. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 142, HB 85, HB 355, HB 456**, HB 338, **HB 521, HB 498, HB 138, HB 402, HB 334, HB 288, HB 208, HB 677,** HB 641, **HB 213** and **HB 432** had been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 142, HB 85, HB 355, HB 456, HB 338, HB 521, HB 498, HB 138, HB 402, HB 334, HB 288, HB 208, HB 677, HB 641, HB 213** and **HB 432** delivered to the Senate, signed by President. Ordered delivered to the Governor.

## Orders of the Day (continued)

Representative Donnermeyer moved the adoption of the following Free Conference Committee Report on **HB 716:**

The Conference Committee on House Bill 716 recommends that House Bill 716 be amended on page 4, line 3, as follows: after the word "bodies" insert the following: ", provided however, that public transit sales tax shall not be levied on those retail sales which are exempted from the state sales tax by KRS Chapter 139 on the effective date of this Act or hereafter enacted."

and on page 8, lines 13 and 14, delete the words "as provided in KRS Chapter 424" and insert in lieu thereof the following: "in all newspapers that meet the requirements set forth in KRS 424.120 in the following matter:

(a) The advertisement shall contain a notification that there is to be a referendum, the subject of which is to be the proposed sales tax.

(b) The advertisement shall contain the amount of the proposed sales tax and the subject(s) thereof.

(c) The advertisement shall include the manner in which the tax shall be levied.

(d) The advertisement shall include the manner in which and purposes for which revenues resulting from the tax levy shall be spent.

(e) The advertisement shall be no less than one quarter page in size and

(f) shall be published at least once weekly for the nine weeks immediately prior to the date of the referendum,

(g) and daily for the week immediately prior to the date of the publication in those papers with daily publication.

(h) The advertisement shall begin with the word "Tax"."

(Endorsed by Representatives Mann, Schmidt, and Donnermeyer; Senators Johnson, Middleton, and Sheehan)

Agreed.

Representative Donnermeyer moved that **HB 716**, as amended, by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 64-B. Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brinkley, Brown, Bruce, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Givhan, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Kidd, King, LeMaster, Little, Mann, Mason, Maynard, McBee, McGill, Morgan, Morris, Nett, O'Brien, Pearl, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, Tobin, Thomas, White, Wible, Wooden, Yates. Nays 0.

**HB 716**, as amended by the Free Conference Committee Report, was passed and the title agreed to.

The House will notify the Senate of the above action.

## Senate Message

The following letter was received in regard to **HB 212:**

The Senate has refused to recede from its amendment to **HB 212** and has moved that a Conference Committee be appointed. The Senate has appointed the following members: Senators N. Baker, McCuiston and Rogers; and respectfully requests this Honorable Body to appoint a like Committee.

The following letter was received in regard to **HB 705:**

The Senate has refused to recede from its amendment to **HB 705** and has moved that a Conference Committee be appointed. The Senate has appointed the following members: Senators Miller, Wright and Mobley; and respectfully requests this Honorable Body to appoint a like Committee.

## Orders of the Day (continued)

The following members were appointed to the Conference Committee on HB 705: Representatives Clapp, Denham and Stephens.

Representative Kleier moved that the rules be suspended to report and act on a Legislative Citation. Agreed.

Representative Kleier moved the adoption of the following Legislative Citation No. 69:

The House of Representatives of the Commonwealth of Kentucky hereby honors and salutes Mrs. Beulah DuVall, administrative assistant for the entire Jefferson County Delegation. This body commends this diminutive dynamo whose tireless efforts have kept the Jefferson County Delegation a cohesive, informed, and enlightened group. This group further recognizes Mrs. DuVall's contributions and efforts toward the coordination of the affairs of a most grateful Jefferson County Delegation, and extends to her sincere best wishes for the future. (Sponsored by Representatives Ackerson, Bendl, Bennett, Benson, Blume, Blythe, Dunn, Guenthner, Holloway, Hughes, Kidd, Kleier, Maynard, McGill, Nett, O'Brien, Priddy, Romines, Siemens, Wooden, Wright and Yates)

Agreed.

Representative Brinkley moved that Representative Morgan be made an Honorary Page. Agreed.

Representative Brown moved that the rules be suspended to record a vote. Agreed.

Representative Brown requested that he be recorded as voting "nay" on **HB 696.**

Representative B. Richardson moved that the rules be suspended and no other business be transacted except action on Legislative Citations, Simple Resolutions and Conference Committee Reports. Agreed.

Representative DeMarcus moved that the rules be suspended to record a vote. Agreed.

Representative DeMarcus requested that he be recorded as voting "nay" on **HB 696.**

Representative Richards moved the adoption of the following Legislative Citation No. 70:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Warren Central High School Cheerleaders who have performed with distinction at athletic events during the entire 1975-76 school year. This body commends the cheerleaders for having won the Fourth Region Cheerleading competition and recognizes the cheerleaders as good will ambassadors to their school and the Commonwealth. (Sponsored by Representative Richards)

Agreed.

Representative Richards moved that the rules be suspended to record votes. Agreed.

Representative Richards requested that he be recorded as voting "nay" on **HB 696** and "nay" on **HB 521.**

Representative Bendl moved the adoption of the following Legislative Citation No. 67:

The House of Representatives of the Commonwealth of Kentucky hereby expresses its appreciation to Alan Bruce Feldbaum, who while a student volunteered to conduct an independent study of the legislative processes of the Commonwealth of Kentucky. Alan came to Frankfort at his own expense and has worked long hard hours in studying and assisting those involved in this legislative session. The House of Representatives honors Alan Bruce Feldbaum for his dedication to the democratic processes of the Commonwealth and the fine example he has set for the youth of our nation. (Sponsored by Representative Bendl)

Agreed.

Representative Arnold moved the adoption of the following Legislative Citation No. 68:

The House of Representatives of the Commonwealth of Kentucky hereby honors May T. Rudd of Mt. Sterling, Kentucky, and respectfully acknowledges the many civic contributions she has made to the people of her community. This body commends May T. Rudd for her dedicated leadership, her tireless efforts toward community improvement, her exemplary religious and moral character, and her sincere devotion to the promotion of friendship and brotherly love. This body recognizes May T. Rudd as an outstanding citizen of the Commonwealth and extends sincere best wishes for her future endeavors. (Sponsored by Representative Arnold)

Agreed.

Representative Morris moved the adoption of the following **HR 134:**

**HR 134,** A RESOLUTION requesting the construction and the location in the State of Kentucky of an academy for the instruction and training of persons in fire technology.

WHEREAS, the Ninety-Third Congress of the United States enacted Public Law 93-498 (The National Fire Prevention and Control Act of 1974) which was signed by the President on October 29, 1974; and

WHEREAS, this Act establishes the need for a National Academy for Fire Prevention and Control which is to be located, constructed, and designed to advance professional development in the area of fire prevention and control; and

WHEREAS, the State of Kentucky is geographically located in the mid-eastern part of the United States and is well covered by all types of transportation systems which provide quick access from all parts of the United States; and

WHEREAS, the educational institutions of the State of Kentucky have available professional expertise to provide support and programs for the development of the programs enumerated by the provisions of Public Law 93-498; and

WHEREAS, the immediate Louisville—Lexington area is the location of the University of Louisville—University of Kentucky campuses as well as the United States Army Fort Knox Post; and

WHEREAS, the Louisville—Lexington area has provisions for lodging and meal facilities to accomodate those involved in the teaching and training of fire prevention and technology; and

WHEREAS, the cities of Louisville and Lexington, the facilities available thereto, the expertise available at University of Louisville, University of Kentucky and at Fort Knox provide an excellent location for the National Fire Academy; and

WHEREAS, the State of Kentucky also has other available sites which meet the criteria of Section 7(g), Public Law 93-498;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Kentucky General Assembly endorses and encourages the location and construction of the National Academy for Fire Prevention and Control in the State of Kentucky and urges that the Secretary of Commerce and the site selection board for the National Academy for Fire Prevention and Control carefully and favorably consider all available sites in the State of Kentucky for the location of said academy.

Section 2. That copies of this resolution with an appropriate letter of support from the Kentucky Department of Commerce and the Kentucky Council on Public Higher Education be forwarded to the United States Secretary of Commerce and the site selection board.

Section 3. That the Governor of the State of Kentucky and the Kentucky Department of Commerce provide adequate support from their offices to implement the intent of this resolution.

Section 4. That copies of this resolution be forwarded to the Governor, the Kentucky Fireman's Association, the Kentucky Department of Commerce, and the Kentucky Council on Public Higher Education.

Agreed.

Representative Hopkins moved the adoption of the following **HR 133:**

**HR 133,** A RESOLUTION proclaiming a "Tumblebug of the Commonwealth."

WHEREAS, for many centuries the Tumblebug has been recognized for its canny abilities to pile up tremendous amounts of manure; and

WHEREAS, this prowess has won it the name of "dung beetle"; and

WHEREAS, this dung beetle spends its entire life pushing and shoving great balls of dung which, despite the smell, provide it with food and a place to deposit its eggs; and

WHEREAS, there resides in the State Senate of the Commonwealth of Kentucky a Senator who for many years has undergone training similar to that of the Tumblebug—ushing, shoving and throwing his weight around; and

WHEREAS, this Senator has demonstrated time and again that he is eminently qualified to bear with distinction the title of the well-known dung beetle;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Senator from Jefferson County District 36 be declared the "Tumblebug of the Commonwealth" and that all approbation due this title be accorded him by this body assembled.

The Chair ruled **HR 133** was not proper subject matter.

Representative Beshear requested that his name be added as co-sponsor of **HB 517** and **HB 569.**

Representative Boatwright moved that the rules be suspended to record a vote. Agreed.

Representative Boatwright requested that he be recorded as voting "nay" on **HB 696.**

Representative Clapp reported that the Conference Committee was unable to agree on **HB 705.** A Second Conference Committee was appointed, as follows: Representatives Clapp, Stephens and Denham.

Representative Cooper moved that the rules be suspended to record a vote. Agreed.

Representative Cooper requested that he be recorded as voting "nay" on **HB 696.**

Representative Denham moved the adoption of the following **HR 132:**

**HR 132,** A RESOLUTION honoring the presidents of the public institutions of higher learning.

WHEREAS, the contribution of higher learning is of unquestionable and inestimable value to the public weal of the Commonwealth; and

WHEREAS, the presidents of our public institutions of higher learning, collectively and individually, have contributed immeasurably to the quality of higher education in the Commonwealth in times of retrenchment as well as times of prosperity and continue to do so; and

WHEREAS, the contributions of the presidents of our public institutions of higher learning to the Commonwealth have not been given the recognition merited;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That this body hereby honors and commends the presidents of our public institutions of higher learning for their great contribution to the Commonwealth of Kentucky.

Section 2. That the Clerk of the House is directed to transmit copies of this resolution to the respective presidents of our public institutions of higher learning.

Agreed.

Representative Beshear moved the adoption of the following **HR 136:**

**HR 136,** A RESOLUTION on the Model Procurement Code for state and local governmental units.

WHEREAS, it is generally conceded, on a nationwide basis, that reform is needed in state and local governmental procurement of goods and services due to outdated statutes and practices, which often result in waste of the taxpayers' money and corruption; and

WHEREAS, the Law Enforcement Assistance Administration, a federal agency, made a grant to the American Bar Association for the coordination and drafting of a Model Procurement Code for consideration and adoption by state and local governmental units; and

WHEREAS, on March 3, 1975, the Commonwealth of Kentucky was notified by the American Bar Association that it had been selected as the pilot state for the model project; and

WHEREAS, on March 11, 1975, the Governor of the Commonwealth of Kentucky communicated to the American Bar Association the Commonwealth's wholehearted support and cooperation of the various agencies to be involved in the model project; and

WHEREAS, in October 1975, four (4) workshops or colloquia were conducted across Kentucky, attended by federal, state and local officials, as well as other interested persons, to study existing problems and proposed drafts of a Model Procurement Code; and

WHEREAS, the resulting draft of a Model Procurement Code makes drastic and comprehensive changes in Kentucky law and agency practices with regard to the procurement of goods and services;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Executive Department for Finance and Administration is directed to conduct a comprehensive study of the proposed Model Procurement Code.

Section 2. The study shall consist of a section-by-section comparison of the model code with existing Kentucky law and agency practices so that each proposed change can be isolated and reviewed separately.

Section 3. The Executive Department for Finance and Administration shall complete its study and submit a report to the Governor and the Legislative Research Commission not later than July 1, 1977, of its findings and recommendations for adoption of the Model Procurement Code or any part thereof.

Agreed.

### Senate Message

The following letter was received in regard to **HB 129:**

The Senate has refused to recede from its amendment to House Bill 129 and has moved that a Conference Committee be appointed. The Senate has appointed the following members: Senators Lackey, Friend and Johnson; and respectfully requests this Honorable Body to appoint a like Committee.

### Orders of the Day (continued)

The following members were appointed to the Conference Committee on HB 129: Representatives Blume, May and Ackerson.

The following members were appointed to the Conference Committee on HB 212: Representatives Bruce, Fitzgerald and Hughes.

Representative Fitzgerald moved the adoption of the following **HR 142:**

**HR 142** by Representatives Fitzgerald and Blandford:

**HR 142,** A RESOLUTION requesting the United States Congress to amend existing federal law concerning Highway Beautification.

WHEREAS, the government of the United States has amended the Federal Highway Beautification Program in such a manner as to effectively eliminate billboard advertisements along Kentucky's major highways, and

WHEREAS, this state is forced to amend the Kentucky Revised Statutes to accomplish this objective of eliminating billboard advertising along major highways or face the loss of significant, much needed, federal funds, and

WHEREAS, this sort of federal compulsion to change state law is unacceptable to free-willed Kentuckians, and

WHEREAS, sensibly utilized billboard advertising services the needs of tourists in this great and popular tourist state, and

WHEREAS, this restrictive policy limits the use of and control over privately owned, taxable land in Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That this honorable body hereby voices its objection to the above mentioned portion of the Highway Beautification Program and that the Governor of this great state and the Congressional delegation representing the people of Kentucky make every effort to amend the Highway Beautification Program.

Section 2. That copies of this resolution be forwarded by the Clerk of the House of Representatives to the Governor and to the members of the Kentucky Congressional delegation.

Agreed.

Representative Givhan requested that the rules be suspended for the purpose of recording votes. Agreed.

The following vote requests were made:

Representative Givhan—"nay" on **HB 208** and "nay" on **HB 407.**

Representative McBride—"nay" on **HB 696.**

Representative Schmidt—"nay" on **HB 696.**

Representative B. Adams—"nay" on **HB 696.**

Representative Crupper—"nay" on **HB 696.**

Representative P. Richardson—"nay" on **HB 696.**

Representative Foster—"nay" on **HB 696.**

Representative Hancock—"nay" on **HB 696.**

Representative B. Richardson moved that the rules be suspended to allow all members to indicate their vote changes on **HB 696** not affecting the outcome. Agreed.

## Senate Message

Announcing passage of **HB 168** with Amendment.

## Orders of the Day (continued)

The Committee on Committees has announced that Representative Gray will replace Representative Ackerson on the Conference Committee for **HB 129.**

Representative Wells read the Free Conference Committee Report on **HB 644.**

The Free Conference Committee Report on **HB 644** is as follows:

The Conference Committee on House Bill 644 recommends that House Bill 644 be amended to read as follows:

On page 1, after the enacting clause by adding the following:

"Section 1. A new section of KRS Chapter 367 is created to read as follows:

(1) Every contract, combination in the form of trust and otherwise, or conspiracy, in restraint of trade or commerce in this commonwealth shall be unlawful.

(2) It shall be unlawful for any person or persons to monopolize, or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce in this commonwealth.

Section 2. A new section of KRS Chapter 367 is created to read as follows:

In addition to the penalties contained in KRS 367.990, the attorney general, upon petition to the court, may recover, on behalf of the commonwealth a civil penalty of not more than the greater of five thousand dollars ($5,000) or two hundred dollars ($200) per day for each and every violation of Section 1 of this Act.

Section 3. A new section of KRS Chapter 367 is created to read as follows:

(1) No provision of Section 1 shall be construed to make illegal the activities of any person or organization, including but not limited to any labor organization, agricultural or horticultural cooperative organization, or consumer organization, or of individual members thereof which are legitimate under the laws of this commonwealth or the United States, or of any utility as defined in KRS 278.010(3).

(2) Section 1 shall not apply to activities authorized or approved under any federal or state statute or regulation.

Section 4. KRS 365.080 and KRS 365.090 are hereby repealed."

(Endorsed by Senators Friend, Johnson and Yocom; Representatives Wells, Stephens and DeMarcus)

Representative B. Richardson moved that the Free Conference Committee Report on **HB 644** be adopted. Agreed.

Representative B. Richardson moved that **HB 644,** as amended, by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 44-B. Adams, Arnold, Bendl, Bennett, Bevins, Brinkley, Burnette, Carpenter, Clapp, Clarke, Cooper, Craddock, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Hancock, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Little, Mann, Mason, Maynard, McGill, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Sale, Stephens, Vincent, Wells, Wright, Yates. Nays 8-W. Allen, Blythe, Brown, DeFalaise, Guenthner, Holbrook, Holloway, Hopkins.

**HB 644,** as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Clapp read the Free Conference Committee Report on **HB 705.**

The Free Conference Committee Report on **HB 705** is as follows:

The Free Conference Committee on House Bill 705 has agreed to delete from the Senate Amendment No. 1 to House Bill 705 the following language on page 1:

*"Exceptionality denotes a uniqueness among Kentucky school aged children that will not apply to more than twelve percent (12%) of Kentucky's school children during any school year."*

and on page 2:

*"The uniqueness of these disorders should allow no more than three percent (3%) of Kentucky's school children to be so classified;"*

(Endorsed by Representatives Clapp, Stephens and Dawahare; Senators Miller, Mobley and Wright)

Representative Clapp moved that the Free Conference Committee Report on **HB 705** be adopted. Agreed.

Representative Clapp moved that **HB 705,** as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 48-Arnold, Bendl, Bennett, Beshear, Bevins, Burnette, Carpenter, Clapp, Cooper, Cyrus, DeFalaise, DeMarcus, Denham, Deskins, Dietz, Donnermeyer, Doss, Dunn, Foster, Givhan, Hancock, Holbrook, Imes, Isler, Jones, Kenton, King, LeMaster, Little, Mann, Mason, Maynard, Morris, O'Brien, Pearl, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Stephens, Thomas, Vincent, Wells, White, Wright, Yates. Nays 5-W. Allen, Clarke, Guenthner, Hopkins, Lindsay.

**HB 705,** as amended by the Free Conference Committee Report, was passed and the title agreed to.

### Senate Message

**HB 716** returned with message that Free Conference Committee Report had been adopted.

### Orders of the Day (continued)

Representative Morgan announced that the Conference Committee on **SB 362** could not agree and that it resolved itself into a Free Conference Committee with the approval of the Committee on Committees.

Representative Morgan read the Free Conference Committee report on **SB 362.**

The Free Conference Committee Report on **SB 362** is as follows:

The Free Conference Committee regarding Senate Bill 362 reports as follows:

Floor amendment No. 1 amending page 2, line 13 providing: after the word "*wharves*" add the words "*, grain handling*".

is hereby adopted.

Floor amendment No. 4 amending page 13 after line 21 by adding the following:

"Section 9. KRS 155.080 is amended to read as follows:

(1) Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

(2) Except for short term loans which members may make at their discretion, each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(a) All loan limits shall be established at the thousand-dollar ($1,000) amount nearest to the amount computed in accordance with the provisions of this section.

(b) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed *twenty (20* [ten (10)] times the amount then paid in on the outstanding capital stock of the corporation.

(c) The total amount outstanding on loan to the corporation made by any member at any one (1) time when added to the amount of the investment in the capital stock of the corporation then held by such member shall not exceed:

[1. Twenty per cent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned;]

[2.] The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the commissioner of insurance; two per cent (2%) of the capital and surplus of commercial banks and trust companies; one per cent (1%) of the total outstanding loans made by a building and loan association: Provided, however, That any business development corporation created pursuant to this section, 155.010 and 155.090 may in its articles of incorporation, or by appropriate amendment thereto, provide that the loan limit of a building and loan association member shall be only one-half of one per cent (.5%) of the total outstanding loans made by such building and loan association member; one per cent (1%) of the capital and unassigned surplus of stock insurance companies, except fire insurance writing companies; one per cent (1%) of the unassigned surplus of mutual insurance companies, except fire insurance writing companies; one-tenth of one per cent (.1%) of the assets of fire insurance writing companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

Section 10. KRS 155.180 is amended to read as follows:

The period of duration of a corporation organized under this chapter shall be *perpetual* [fifty (50) years] ."

is hereby adopted.

Floor amendment No. 3 amending the title on page 1 by deleting the title on House Committee Substitute and inserting in lieu thereof the following:

"AN ACT relating to the financing of industrial projects."

is hereby adopted,

and by amending page 2, line 8 by deleting "*gener-*";

and on page 2, line 9, by deleting "*ating plant, or other energy*" and substituting in lieu thereof the word "*coal*".

(Endorsed by Senators Mobley, Pollitte and Stuart; Representatives Morgan and Boatwright)

Representative Morgan moved that the House concur in the Free Conference Committee Report on **SB 362.** Agreed.

Representative Morgan moved that **SB 362,** as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 58-J. Allen, Arnold, Bendl, Bennett, Bevins, Blandford, Blume, Blythe, Boatwright, Brinkley, Brown, Burnette, Carpenter, Clapp, Cooper, Craddock, DeMarcus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gray, Guenthner, Hancock, Hardwick, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, King, LeMaster, Little, Mann, May, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Pearl, B. Richardson, Robinson, Romines, Siemens, Tobin, Wells, White, Wright, Yates. Nays 6-B. Adams, W. Allen, Clarke, DeFalaise, Denham, Morris.

**SB 362,** as amended by the Free Conference Committee Report, was passed and the title agreed to.

The House will notify the Senate of the above action.

The Speaker vacated the Chair.

The Speaker Pro Tempore Clapp assumed the Chair.

Representative Gray read the Conference Committee Report on **HB 129.**

The Conference Committee Report on **HB 129** is as follows:

The Conference Committee on **HB 129** and the following members agreed to concur upon said **HB 129** as amended: Senators Lackey, Friend and Johnson; Representatives Blume, Gray and May.

The Conference Committee on **HB 129** request the House to adopt the Conference Committee Report.

Representative Gray moved that the House concur in the Conference Committee Report on **HB 129.**

On the roll call the vote was yeas 45-Ackerson, J. Allen, Bennett, Benson, Beshear, Blandford, Blume, Brown, Clapp, Clarke, Cooper, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Givhan, Gray, Isler, Kenton, Kidd, King, Kleier, Lindsay, Little, Mann, Maynard, McBee, McBride, McGill, Morgan, Muncy, Nett, Overstreet, Priddy, B. Richardson, Romines, Siemens, Tobin, Thomas, Wooden, Wright, Yates. Nays 33-B. Adams, W. Allen, Arnold, Bevins, Blythe, Carpenter, Craddock, DeMarcus, Denham, Foster, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Jones, LeMaster, Mason, May, Morris, O'Brien, Pearl, Richards, P. Richardson, Robinson, Sale, Schmidt, Stephens, Vincent, Wells, White.

The motion that the House concur in the Conference Committee report on **HB 129** was adopted.

The House will notify the Senate of the above action.

Representative Fitzgerald announced that the Conference Committee on HB 212 could not agree and that it had resolved itself into a Free Conference Committee with the approval of the Committee on Committees.

Representative Fitzgerald read the Free Conference Committee Report on **HB 212.**

The Free Conference Committee Report on **HB 212** is as follows:

The Committee on Conference appointed for House Bill 212 has met and reports its recommendations:

Amend Senate Committee Substitute for House Bill 212 on page 2, line 15 by deleting the comma between the word "insurance" and the word "policies" and inserting between the word "insurance" and the word "policies" the word "and";

and on page 2, line 16 by deleting the comma between the word "plans" and the word "or" and inserting a ".";

and on page 2, line 16, by deleting the words "or policies issued pursuant to a policy";

and on page 2, line 17, by deleting it in its entirety.

The Committee on Conference requests that this body adopt this report.

(Endorsed by Senators McCuiston, Rogers and N. Baker; Representatives Bruce, Hughes and Fitzgerald)

Representative Fitzgerald moved that the Free Conference Committee Report on **HB 212** be adopted. Agreed.

Representative Fitzgerald moved that **HB 212,** as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 57-Ackerson, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Bevins, Blandford, Blume, Boatwright, Brinkley, Burnette, Carpenter, Clapp, Clarke, Craddock, Deskins, Dietz, Donnermeyer, Doss, Dunn, Fitzgerald, Foster, Gray, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, King, LeMaster, Little, Mann, Mason, Maynard, McBee, Morris, Muncy, Nett, O'Brien, Pearl, Priddy, B. Richardson, Romines, Sale, Siemens, Stephens, Thomas, White, Wooden, Yates. Nays 0.

**HB 212,** as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the House stand at ease. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 162, SB 189, SB 118, SB 254,** SB 277, **SB 226, SB 100, SB 113, SB 13, SB 58, SB 89, SB 70** and **SB 330** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (continued)

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 168:**

**HB 168,** AN ACT relating to elementary and secondary education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 157A.090 is amended to read as follows:

(1) In determining the cost of the public common school foundation program for each district, the superintendent of public instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile of area served by not less than nine different density groups.

(2) The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the regulations of the state board of education for such districts that operate district-owned vehicles.

(3) The aggregate and average daily attendance of transported pupils shall include all public common school pupils transported at public expense who live one mile or more from school, provided that handicapped pupils may be included who live less than this distance from school. The aggregate and average daily attendance referred to in this subsection shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with state board of education regulations.

(4) The state board of education, by regulation, shall determine the type of handicapped pupil that qualifies for special transportation to and from school. Those qualified pupils for which the district provides special transportation shall have their aggregate days attendance multiplied by 5.0 and added to that part of the district's aggregate days attendance that is multiplied by the district's adjusted cost per pupil per day in determining the district's pupil transportation program cost for allotment purposes.

(5) The square miles of area served by transportation shall be determined by subtracting from the total area in square miles of the district the area not served by transportation, determined in accordance with the regulations of the state board of education provided that if one district authorizes another district to provide transportation for a part of its area, such area served shall be deducted from the area served by that district and added to the area served by the district providing the transportation.

(6) The density of transported pupils per square mile of area served for each district shall be determined by dividing the average daily attendance of transported pupils by the number of square miles of area served by transportation.

(7) The superintendent of public instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density by constructing a smoothed graph of cost for all density groups as provided in subsection (1) of this section. This graph shall be used to construct a scale showing the average costs of transportation for districts having a similar density of transported pupils. Such

costs shall be determined separately for county school districts and independent school districts, provided that no independent school district will receive an average cost per pupil per day in excess of the minimum received by any county district or districts. These costs shall be the costs per pupil per day of transported pupils included in the foundation program and such costs shall be recalculated each year.

*(8) In constructing the smoothed graph required in subsection (7) of this section, this smoothed graph shall be extended indefinitely as a straight line at the same cost level per pupil per day from that point at the bottom of the graph indicated by the density group with the lowest cost per pupil per day.*

*(9) For transportation allotment purposes, those districts with a higher density and higher cost per pupil per day than the density group with the lowest cost per pupil per day shall not receive a transportation allotment cost higher than that indicated by the straight line part of the graph.*

*(10)* [(8)] The cost of transporting a district's pupils from the parent school to a state vocational-technical school or to a vocational education center shall be calculated separately from the calculation required by subsections (1) through *(10)* [(8)] of this section. The amount calculated shall be paid separately to each district from public common school foundation program funds budgeted for vocational pupil transportation, as a reimbursement based on the district's cost for providing this service. The amount of reimbursement shall be calculated in accordance with state board of education regulations. In the event that the appropriation for vocational pupil transportation in the biennial budget is insufficient to meet the total calculated cost of this service for all districts, the amount paid to each district shall be ratably reduced. For the purpose of this subsection, the parent school shall be interpreted to mean that school in which the pupil is officially enrolled in a district's public common school system.

Section 2. KRS 157.370 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the superintendent of public instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile of area served by not less than nine different density groups.

(2) The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the regulations of the state board of education for such districts that operate district-owned vehicles.

(3) The aggregate and average daily attendance of transported pupils shall include all public school pupils transported at public expense who live one mile or more from school, provided that handicapped children may be included who live less than this distance from school. The aggregate and average daily attendance referred to in this subsection shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with state board of education regulations.

(4) The square miles of area served by transportation shall be determined by subtracting from the total area in square miles of the district the area not served by transportation, determined in accordance with the regulations of the state board of education provided that if one district authorizes another district to provide transportation for a part of its area, such area served shall be deducted from the area served by that district and added to the area served by the district providing the transportation.

(5) The density of transported pupils per square mile of area served for each district shall be determined by dividing the average daily attendance of transported pupils by the number of square miles of area served by transportation.

(6) The superintendent of public instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density by constructing a smoothed graph of cost for all density groups as provided in subsection (1). This graph shall be used to construct a scale showing the average costs of transportation for districts having a similar density of transported pupils. Such costs shall be determined separately for county school districts and independent school districts, provided that no independent school district will receive an average cost per pupil per day in excess of the minimum received by any county district or districts. These costs shall be the costs per pupil per day of transported pupils included in the foundation program and such costs shall be recalculated each biennium.

(7) The scale of transportation costs included in the foundation program for county and independent districts is determined in accordance with the provisions of KRS 157.310 to 157.440 for the biennium beginning July 1, 1960.

*(8) In constructing the smoothed graph required in subsection (6) of this section, this smoothed graph shall be extended indefinitely as a straight line at the same cost level per pupil per day from that point at the bottom of the graph indicated by the density group with the lowest cost per pupil per day.*

*(9) For transportation allotment purposes, those districts with a higher density and higher cost per pupil per day than the density group with the lowest cost per pupil per day shall not receive a transportation allotment cost higher than that indicated by the straight line part of the graph.*

*(10)* [(8)] The cost of transporting a district's pupils from the parent school to a state vocational-technical school or to a vocational educational center shall be calculated separately from the calculation required by sections (1) through *(9)* [(7)] of this section. The amount calculated shall be paid separately to each district from minimum foundation program funds budgeted for vocational pupil transportation, as a reimbursement based on the district's cost for providing this service. The amount of reimbursement shall be calculated in accordance with state board of education regulations. In the event that the appropriation for vocational pupil transportation in the biennial budget is insufficient to meet the total calculated cost of this service for all districts, the amount paid to each district shall be ratably reduced. For the purpose of this subsection, the parent school shall be interpreted to mean that school in which the pupil is officially enrolled in a district's public common school system.

*(11)* [(9)] The state board of education, by regulation, shall determine the type of handicapped pupil that qualifies for special type transportation to and from school. Those qualified pupils for which the district provides special type transportation shall have their aggregate days attendance multiplied by 5.0 and added to that part of the district's aggregate days attendance that is multiplied by the district's adjusted cost per pupil per day in determining the district's pupil transportation program cost for allotment purposes.

Section 3. KRS 158.110 is amended to read as follows:

*(1)* Boards of education *may provide* [shall furnish] transportation from their general funds or otherwise for *any* pupil [s] of *any* [elementary] grade *to the nearest school to said pupils residence within the district* who *does* [do] not *live* [reside] within *a* reasonable walking distance *to such nearest* [of the] school *of appropriate grade level* [provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the state board of education dealing with the transportation of pupils.]

*(2) When space is not available at the nearest school, boards of education may provide transportation from their general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance to the nearest school of appropriate grade level where space is available.*

*(3) Public elementary and secondary schools shall not change their present grade level structure without written permission from the state board of education.*

*(4) The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the state board of education dealing with the transportation of pupils.*

Section 4. Whereas, the allocation for the current school year of funds for transportation is imminent, an emergency is declared to exist, and this Act shall become effective upon passage and approval by the Governor.

Amend Senate Committee Substitute for House Bill 168, as follows:

On page 1, the title by deleting same and inserting in lieu thereof:

"AN ACT relating to the state financing of the transportation of public school students."

On the roll call the vote was yeas 43-Ackerson, J. Allen, W. Allen, Bennett, Brinkley, Bruce, Burnette, Clapp, Cyrus, Deskins, Dietz, Donnermeyer, Doss, Dunn, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, King, Lindsay, Little, Maynard, Morgan, Morris, Muncy, O'Brien, Overstreet, Priddy, B. Richardson, Robinson, Romines, Sale, Siemens, Thomas, White, Wible, Wright, Yates. Nays 24-Bendl, Benson, Beshear, Bevins, Blandford, Blume, Brown, Clarke, Hancock, Hopkins, Kidd, Kleier, Mann, Mason, McBee, McBride, McGill, Nett, Pearl, P. Richardson, Schmidt, Stephens, Tobin, Wooden.

The motion that the House concur in the Senate Amendment to **HB 168** was adopted.

Representative B. Richardson moved that **HB 168,** as amended, be passed.

On the roll call the vote was yeas 60-Ackerson, B. Adams, J. Allen, W. Allen, Arnold, Bennett, Bevins, Blandford, Boatwright, Brinkley, Bruce, Burnette, Carpenter, Clapp, Craddock, Cyrus, DeMarcus, Denham, Deskins, Donnermeyer, Doss, Dunn, Foster, Gray, Guenthner, Hardwick, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Jones, Kenton, King, Lindsay, Little, May, Maynard, McBee, Morgan, Morris, Muncy, O'Brien, Overstreet, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, Stephens, Thomas, Vincent, Wells, White, Wible, Wright, Yates. Nays 19-Bendl, Benson, Beshear, Blume, Brown, Clarke, Hancock, Hopkins, Kidd, Kleier, Mann, Mason, McBride, McGill, Nett, Pearl, P. Richardson, Tobin, Wooden.

**HB 168,** as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 168,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

### Senate Message

The following letter was received in regard to **HB 705:**

The Senate has concurred in the Free Conference Committee Report on HB 705 and respectfully returns same to this Honorable Body.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 20, HB 80, HB 436, HB 57, HB 568, HB 202, HB 179, HB 11, HB 496, HB 349, HB 815, HB 676, HB 248, HB 706** and **HB 579** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 20, HB 80, HB 436, HB 57, HB 568, HB 202, HB 179, HB 11, HB 496,** HB 349, **HB 815, HB 676, HB 248, HB 706** and **HB 579** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Orders of the Day (continued)

Representative B. Richardson moved that no other business be done other than enrolling bills and receiving Senate Messages. Agreed.

Representative B. Richardson moved that the Chair appoint a Committee to inform the Senate that the House had concluded all business and to join a like Committee from the Senate to wait upon the Governor to inquire if he had further business to communicate.

The Speaker appointed the following Committee: Representatives Clapp, DeMarcus, B. Richardson and Morgan.

### Senate Message

The following letter was received in regard to **HB 644:**

The Senate has agreed with the Free Conference Report on **HB 644** and is returning same to this Honorable Body.

### Orders of the Day (continued)

The following vote requests were made under the previous rules suspension:

The following members requested that they be recorded as voting "nay" on **HB 696:$MRepresentatives** Dunn, Isler, Kidd, Vincent, Dietz, Hancock, Crupper, P. Richardson, Bevins, Brinkley, Craddock, LeMaster and White.

Representative Muncy requested that he be recorded as voting "nay" on **HB 208.**

Representative Siler requested that he be recorded as voting "nay" on **HB 208.**

Representative Burnette requested that he be recorded as voting "yea" on **HB 436** and "nay" on **HB 498.**

Representative Bennett requested that he be recorded as voting "nay" on **HB 208.**

Representative W. Allen requested that he be recorded as voting "yea" on the suspension of the rules to consider **SB 30.**

Representative Priddy requested that she be recorded as voting "yea" on **SB 269, SB 147, SB 33, HB 114, SB 190, SB 121, SB 144, SB 89, SB 58,** SB 23, **SB 13, SB 116, SB 189, SB 1** and **SB 70;** and "nay" on **SB 33, SB 208** and **SB 295.**

### Senate Message

The following letter was received in regard to **HB 212:**

The Senate has concurred in the Free Conference Report and is returning House Bill 212 to this Honorable Body.

The following letter was received in regard to **HB 129:**

The Senate has concurred in the Free Conference Report on House Bill 129 and respectfully returns same to this Honorable Body.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 4, HB 499, HB 407, HB 371, HB 602, HB 625, HB 587** and **HB 716** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 4, HB 499, HB 407, HB 371, HB 602, HB 625, HB 587** and **HB 716** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Report on Enrolled Bills

The Committee on Enrollment reported **SB 75, SB 256, SB 147, SB 327,** SB 297, **SB 309, SB 294, SB 273, SB 168, SB 188** and **SB 155** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 549, HB 87, HB 207** and **HB 451** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 549, HB 87, HB 207** and **HB 451** delivered to the Senate, signed by President. Ordered delivered to the Governor.

### Senate Message

Announcing passage of **SCR 83.**

Representative Beshear presiding.

## Recess

Representative Kenton moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 369, SB 211, SB 197, SB 248,** SB 253, **SB 249, SB 23, SB 362, HB 168, HB 212, HB 337, HB 593, HB 644, HB 705, HB 129** and **HB 321** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 168, HB 212, HB 337, HB 593, HB 644, HB 705, HB 129** and **HB 321** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative B. Richardson appointed Representative DeMarcus as Floor Leader.

Representative DeMarcus moved that when the House adjourns sine die it do so in honor of James Ausenbaugh of the Louisville Courier-Journal. Agreed.

Representative DeMarcus moved that the reading of the Journal of March 20, 1976, be dispensed with and the same approved. Agreed.

Representative DeMarcus moved that the Journal of the House of Representatives for the 1976 Session be approved. Agreed.

## Adjournment

Representative DeMarcus moved the adoption of the following **SCR 83:**

**SCR 83,** by Senator Garrett:

**SR 83,** A CONCURRENT RESOLUTION to adjourn the 1976 Regular Session of the General Assembly *sine die.*

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That when the Senate and the House of Representatives adjourn Saturday, March 20, 1976, they do adjourn *sine die.*

The second to the motion that **SCR 83** be adopted was made by Representative Isler.

On the roll call the vote was yeas 12-J. Allen, Arnold, Bendl, Blandford, DeMarcus, Donnermeyer, Isler, Kenton, Mann, Mason, Stephens and Tobin. Nays 0.

**SCR 83** was adopted.

The Journal of the House of Representatives was read, compared and approved. The House adjourned sine die.

s/Sara Bell
ATTEST: Sara Bell, Chief Clerk
House of Representatives

s/William G. Kenton
APPROVED: William G. Kenton, Speaker
House of Representatives

## VETO MESSAGES

(Spread Upon the Register of the Secretary of State After Sine Die Adjournment)

**HB 37.** HB 37, if signed into law, would require state, municipal and county governments to make available, at the option of their respective employees, Health Maintenance Organization medical services. Such coverage would replace the employees' existing hospitalization and medical insurance.

The Bill is contradictory and confusing in that in one part it would appear that the HMO coverage is elective on the part of both the employee and the Commissioner of Finance, whereas other sections give the option to the employees only.

Federal regulations promulgated last fall will require an employer with twenty-five or more employees to give those employees the option of joining HMO with the employer contributing to the cost thereof not more than what he would be then contributing to health insurance coverage. However, the Federal regulations will apply only in a situation where HEW certifies a HMO and will require advance notice to the employer prior to the renewal date of the employer's applicable health insurance contract. Thus, it appears that the purpose of this Bill will be achieved in large part under this new Federal regulation.

Also, it is conceivable that HB 37 could result in increases in hospitalization insurance premiums and in some cases cancellation of such coverage if the number of employees in an employment unit retaining insurance coverage should fall below ten.

For the foregoing reasons, I hereby veto HB 37.

S/Julian M. Carroll
Governor

March 31, 1976

**HB 646.** HB 644, of the 1976 Regular Session of the General Assembly, addresses the same subject matter, that of anti-trust and monopolistic practices, in a more responsible manner in that: (a) a restraining order or injunction should not be issued in such cases without avowing no adequate remedy at law or irreparable injury; and (b) the exemptions from the law are more clearly defined in accordance with existing law on the subject. HB 644 also repeals the so-called general fair trade laws of Kentucky in accordance with recently enacted federal laws on the subject.

For the reasons stated above, I hereby veto HB 646.

Julian M. Carroll
Governor

March 31, 1976

# HISTORY OF HOUSE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading. Sponsors are indicated on the page of introduction.)

| | | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | | |
| HB | 1 | 18 | 29 | 106<br>606 | 106 | 114 | 890 | 1901 | 1957 | 107<br>606<br>890 | 890 | 94<br>202<br>209<br>346<br>782<br>826<br>871 |
| HB | 2 | 18 | 29 | | | | | | | | | 111<br>346<br>631<br>656 |
| HB | 3 | 18 | 29 | | | | | | | | | 39 |
| HB | 4 | 18 | 29 | 141<br>929<br>1440 | 141 | 199 | 1667 | 2071 | 2205 | 149<br>929<br>937<br>1440<br>1667<br>2078 | 1668<br>2081 | 39<br>346<br>504<br>1256<br>1546<br>1558<br>1836 |
| HB | 5 | 18 | 29 | 382 | 382 | 409 | 669 | | | 384<br>387 | 669 | 39<br>588 |
| HB | 6 | 18 | 29 | | | | | | | | | 39 |
| HB | 7 | 18 | 29 | | | | | | | | | 39 |
| HB | 8 | 18 | 29 | 225 | 225 | 338 | 599 | | | 226 | 599 | 39<br>402 |
| HB | 9 | 18 | 29 | | | | | | | | | 39 |
| HB | 10 | 18 | 29 | | | | | | | | | 39 |
| HB | 11 | 18 | 29 | 828 | 828 | 889 | 1265 | 2071 | 2204 | 829<br>2102 | 1265<br>2103 | 39<br>1131 |
| HB | 12 | 18 | 29 | | | | | | | | | 39 |
| HB | 13 | 18 | 29 | | | | | | | | | 39 |
| HB | 14 | 19 | 29 | | | | | | | | | 39 |
| HB | 15 | 19 | 29 | | | | | | | | | 39<br>57<br>63 |
| HB | 16 | 19 | 29 | 42 | 42 | 61 | | | | | | 39<br>100<br>114<br>122 |
| HB | 17 | 19 | 29 | 227 | 227 | 338 | 602 | 1273 | 1397 | | 602 | 57<br>402 |
| HB | 18 | 19 | 29 | | | | | | | | | 39<br>199 |
| HB | 19 | 19 | 29 | | | | | | | | | 900 |
| HB | 20 | 19 | 29 | 151<br>1091 | 151 | 199 | 1663 | 2071 | 2204 | 157<br>1091<br>1465<br>2117 | 1663<br>2117 | 113<br>223<br>250<br>346<br>402<br>1150<br>1428<br>1941 |
| HB | 21 | 19 | 29 | 42 | 44 | 61 | 115 | | | | 115 | 39<br>100<br>122<br>124 |

| | | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | | |
| HB | 22 | 19 | 29 | 589 | 589 | 619 | 821 | | | 594<br>821 | 821 | 57<br>714<br>727<br>792 |
| HB | 23 | 19 | 29 | | | | | | | | | 61 |
| HB | 24 | 19 | 29 | 42 | 45 | 61 | 622 | 1553 | 1664 | | 622 | 39<br>106<br>201<br>503 |
| HB | 25 | 19 | 29 | 388 | 388 | 409 | | | | | | 346<br>603<br>666 |
| HB | 26 | 19 | 29 | 42 | 47 | 61 | 115 | 876 | 898 | 115 | 115 | 39<br>94<br>103<br>122 |
| HB | 27 | 19 | 29 | 42 | 55 | 61 | 84 | 224 | 250 | | 84 | 39<br>70<br>900 |
| HB | 28 | 19 | 29 | 1171 | 1171 | 1389 | | | | | | 889<br>1428 |
| HB | 29 | 19 | 29 | 227 | 227 | 338 | 505 | 1877 | 1896 | | 505 | 113<br>402 |
| HB | 30 | 19 | 29 | 447<br>1096 | 447 | 589 | 1463 | | | 472<br>1097<br>1464 | 1464 | 666<br>715<br>782<br>1428<br>1469<br>1835<br>1941 |
| HB | 31 | 19 | 29 | 738 | 738 | 818 | | | | 745 | | 1253 |
| HB | 32 | 19 | 29 | | | | | | | | | 71<br>114 |
| HB | 33 | 20 | 29 | | | | | | | | | 71<br>96 |
| HB | 34 | 20 | 29 | 372 | 372 | 403 | | | | 376 | | 71<br>408<br>507<br>603<br>620<br>630 |
| HB | 35 | 20 | 29 | 392<br>1331 | 392 | 409 | 1677 | 2071 | | 393<br>1331<br>1332<br>2103 | 1677 | 71<br>603<br>659<br>666<br>870<br>1546<br>2109 |
| HB | 36 | 20 | 29 | 210 | 210 | 246 | 351 | 1553 | 1664 | | 351 | 71<br>337 |
| HB | 37 | 20 | 29 | 447 | 499 | 589 | 721 | 2052 | 2059 | 500 | 721 | 71<br>619 |
| HB | 38 | 20 | 29 | 210 | 212 | 246 | 352 | | | 212 | 352 | 71<br>337 |
| HB | 39 | 20 | 29 | | | | | | | | | 71<br>727 |
| HB | 40 | 20 | 29 | 130 | 130 | 165 | | | | | | 71<br>205<br>372 |
| HB | 41 | 20 | 29 | | | | | | | | | 71<br>1459 |
| HB | 42 | 20 | 29 | | | | | | | | | 71<br>114 |
| HB | 43 | 20 | 29 | | | | | | | | | 71<br>114 |

| | Intro-duced | Re-ferred | Re-ported | | Readings | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 44 | 20 | 29 | | | | | | | | | 71<br>1459 |
| HB 45 | 20 | 29 | | | | | | | | | 71<br>1459 |
| HB 46 | 20 | 29 | | | | | | | | | 71<br>114 |
| HB 47 | 20 | 29 | 91 | 91 | 101 | | | | | | 71<br>111<br>114<br>602 |
| HB 48 | 20 | 29 | | | | | | | | | 71<br>1459 |
| HB 49 | 20 | 29 | | | | | | | | | 71<br>165 |
| HB 50 | 20 | 29 | 91 | 92 | 101 | | | | | | 71<br>114 |
| HB 51 | 20 | 29 | 1500 | 1500 | 1657 | | | | 1502 | | 71<br>1459<br>1547<br>1876 |
| HB 52 | 20 | 29 | | | | | | | | | 71<br>1459 |
| HB 53 | 21 | 29 | | | | | | | | | 71<br>114 |
| HB 54 | 21 | 29 | 130 | 130 | 165 | | | | | | 71<br>205 |
| HB 55 | 21 | 29 | 91 | 93 | 101 | 221 | | | | 221 | 71<br>106<br>116<br>167<br>205 |
| HB 56 | 21 | 29 | | | | | | | | | 71<br>114 |
| HB 57 | 21 | 29 | 91<br>510 | 93 | 101 | 667 | 1671 | 2204 | 510<br>667<br>2181 | 668<br>2182 | 71<br>114<br>337<br>631<br>655<br>667 |
| HB 58 | 21 | 29 | | | | | | | | | 62<br>137 |
| HB 59 | 21 | 29 | 177 | 177 | 206 | 351 | | | 178<br>351 | 351 | 71<br>209<br>347<br>352 |
| HB 60 | 21 | 29 | | | | | | | | | 71<br>114 |
| HB 61 | 21 | 29 | 675 | 675 | 782 | 1260 | | | 676 | | 71<br>818<br>871<br>1260<br>1270 |
| HB 62 | 21 | 29 | 372 | 376 | 403 | 625 | | | 377 | 625 | 71<br>342<br>588 |
| HB 63 | 21 | 29 | | | | | | | | | 71<br>1459 |
| HB 64 | 21 | 29 | 907 | 907 | 1254 | | | | 907 | | 71<br>1459<br>1547 |
| HB 65 | 21 | 29 | | | | | | | | | 209 |
| HB 66 | 21 | 29 | | | | | | | | | 1254<br>1462 |
| HB 67 | 21 | 29 | 107 | 107 | 114 | 201 | 630 | 1455 | 1394 | 201<br>1394 | 61<br>137 |

| | | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | | |
| HB | 68 | 21 | 29 | 680<br>1614 | 680 | 782 | 1889 | | | 681 | 1889 | 504<br>1547<br>1778 |
| HB | 69 | 21 | 29 | | | | | | | | | |
| HB | 70 | 21 | 29 | 423 | 423 | 589 | 716 | 1553 | 1664 | 425<br>428 | 716 | 106<br>631<br>783<br>784<br>871 |
| HB | 71 | 21 | 29 | 423 | 428 | 589 | 721 | 1553 | 1664 | 721 | 721 | 106<br>619<br>667<br>784 |
| HB | 72 | 21 | 29 | 130 | 132 | 180 | 221 | 674 | 725 | | 222 | 39<br>205<br>900 |
| HB | 73 | 22 | 29 | 423 | 429 | 589 | 784 | 2074 | 2131 | 435 | 784 | 200<br>202<br>631<br>715<br>820 |
| HB | 74 | 22 | 29 | | | | | | | | | |
| HB | 75 | 22 | 29 | 130 | 133 | 180 | | | | | | 85<br>106<br>207<br>346 |
| HB | 76 | 22 | 29 | 212 | 212 | 246 | 378 | 1401 | 1455 | 378 | 378 | 39<br>337<br>347<br>354 |
| HB | 77 | 22 | 29 | 60<br>369 | 60 | 71 | 598 | 1472 | 1553 | 369 | 598 | 39<br>85<br>106<br>137<br>503 |
| HB | 78 | 22 | 29 | | | | | | | | | |
| HB | 79 | 22 | 29 | 65 | 65 | 94 | 116 | 356 | 380 | 66 | 116 | 39<br>106<br>900 |
| HB | 80 | 22 | 29 | 178 | 181 | 206 | 249 | 1401 | 2204 | 2140 | 249<br>2140 | 57<br>209<br>2065 |
| HB | 81 | 22 | 29 | 1289 | 1289 | 1428 | 1749 | | | 1290<br>1292<br>1750<br>1752 | 1749<br>1751 | 111<br>792<br>1254<br>1657<br>1680<br>1749 |
| HB | 82 | 22 | 29 | 178<br>1152 | 178 | 206 | 1556 | | | 181<br>1152<br>1556 | 1556 | 221<br>350<br>792<br>1459 |
| HB | 83 | 22 | 29 | 237 | 237 | 338 | 723 | | | 239<br>723 | 723 | 39<br>349<br>379<br>655<br>656<br>792 |
| HB | 84 | 22 | 29 | 183 | 183 | 206 | 339 | | | 190 | 339 | 39<br>209<br>341<br>342 |

| | Intro-duced | Re-ferred | Re-ported | Readings 1st | Readings 2nd | Readings 3rd | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| HB 85 | 22 | 29 | 134 | 134 | 165 | 339 | 1948 | 2190 | 339<br>340<br>2095 | 340<br>2095 | 39<br>202<br>246<br>342<br>380 |
| HB 86 | 22 | 29 | 237 | 241 | 338 | | | | | | 137<br>371<br>619 |
| HB 87 | 22 | 29 | 134 | 135 | 165 | 340 | 2074 | 2205 | 2131<br>2139 | 340<br>2139 | 39<br>246<br>342<br>2049 |
| HB 88 | 22 | 29 | 55 | 55 | 61 | 84 | 730 | 785 | | 85 | 39<br>70<br>900 |
| HB 89 | 22 | 29 | | | | | | | | | 39 |
| HB 90 | 22 | 29 | | | | | | | | | 39<br>409 |
| HB 91 | 22 | 29 | 67 | 69 | 94 | 103 | 630 | 659 | | 103 | 37<br>39<br>100<br>900 |
| HB 92 | 22 | 29 | | | | | | | | | |
| HB 93 | 23 | 29 | 258<br>799 | 258 | 346 | 1433 | 1804 | 1896 | 296<br>799<br>1433 | 1433 | 101<br>408<br>409<br>900<br>1389<br>1462<br>2048 |
| HB 94 | 23 | 29 | 66 | 67 | 94 | 103 | 605 | 628 | | 103 | 39<br>100<br>900 |
| HB 95 | 23 | 29 | | | | | | | | | |
| HB 96 | 23 | 29 | | | | | | | | | 409 |
| HB 97 | 23 | 29 | | | | | | | | | 39<br>165 |
| HB 98 | 23 | 29 | 1358 | 1363 | 1428 | 1729 | 2074 | 2131 | 1376<br>1729 | 1729 | 504<br>603<br>1546<br>1558 |
| HB 99 | 23 | 29 | 67 | 67 | 94 | 122 | 795 | 823 | | 122 | 39<br>900 |
| HB 100 | 23 | 29 | 610 | 610 | 655 | 790 | 2035 | 2040 | | 790 | 63<br>371<br>714<br>793<br>1429 |
| HB 101 | 23 | 29 | 334 | 334 | 346 | 505 | | | | 505 | 70<br>402 |
| HB 102 | 23 | 29 | 365 | 365 | 403 | 787 | 2052 | 2059 | 787 | 787 | 342<br>503<br>628<br>671 |
| HB 103 | 23 | 29 | | | | | | | | | |
| HB 104 | 23 | 29 | 109 | 109 | 114 | | | | 109 | | 70<br>137<br>337 |
| HB 105 | 23 | 29 | | | | | | | | | |
| HB 106 | 23 | 29 | | | | | | | | | |

| | Intro-duced | Re-ferred | Re-ported | Readings | | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 107 | 23 | 29 | 610<br>1319 | 611 | 655 | 1668 | | | 1668 | 1668 | 371<br>620<br>818<br>898<br>900<br>1391<br>1546 |
| HB 108 | 23 | 29 | 1319 | 1319 | 1428 | 1729 | | | | 1729 | 726<br>1657<br>1836 |
| HB 109 | 23 | 29 | | | | | | | | | |
| HB 110 | 23 | 29 | | | | | | | | | |
| HB 111 | 23 | 29 | 334 | 335 | 346 | 404 | | | | 404 | 200<br>349 |
| HB 112 | 23 | 29 | 198 | 198 | 206 | | | | | | 70<br>111<br>350<br>714 |
| HB 113 | 24 | 29 | | | | | | | | | 63<br>118 |
| HB 114 | 24 | 29 | 198 | 199 | 206 | 723 | 2035 | 2040 | 446 | 724 | 63<br>111<br>118<br>346<br>402<br>446<br>631<br>2205 |
| HB 115 | 24 | 29 | | | | | | | | | 57<br>63 |
| HB 116 | 24 | 29 | 365 | 366 | 403 | 622 | | | 366 | 622 | 337<br>342<br>503<br>628 |
| HB 117 | 24 | 29 | 365 | 367 | 403 | 599 | 2074 | 2131 | | 599 | 118<br>503 |
| HB 118 | 24 | 29 | | | | | | | | | |
| HB 119 | 24 | 29 | 1319 | 1319 | 1428 | | | | 1320 | | 371<br>1657 |
| HB 120 | 24 | 29 | 1319 | 1320 | 1428 | 1783 | | | 1783 | 1783 | 118<br>727<br>874<br>1132<br>1728<br>1941 |
| HB 121 | 24 | 29 | 334 | 336 | 346 | 718 | | | 719 | 719 | 200<br>408<br>589<br>667<br>784 |
| HB 122 | 24 | 29 | 610 | 613 | 655 | 1143 | | | 615<br>1144 | 1144 | 371<br>715<br>818<br>889<br>1150<br>1256<br>1257<br>1400 |
| HB 123 | 24 | 29 | 1319 | 1321 | 1428 | | | | 1322 | | 342<br>1728 |
| HB 124 | 24 | 29 | | | | | | | | | 371 |
| HB 125 | 24 | 29 | 198 | 199 | 206 | 249 | | | | 249 | 118<br>209 |
| HB 126 | 24 | 29 | | | | | | | | | 103 |
| HB 127 | 24 | 29 | | | | | | | | | 1254 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 128 | 24 | 29 | 365 | 367 | 403 | 719 | | | 719 | 719 | 111<br>342<br>503<br>589<br>628<br>727<br>784 |
| HB 129 | 24 | 29 | 811 | 811 | 870 | 1261 | 2052 | 2206 | 2171 | 1262<br>2200 | 63<br>371<br>1131<br>1255<br>1271<br>2171<br>2195 |
| HB 130 | 24 | 29 | | | | | | | | | |
| HB 131 | 24 | 29 | | | | | | | | | |
| HB 132 | 24 | 29 | | | | | | | | | 371<br>504<br>726 |
| HB 133 | 25 | 29 | | | | | | | | | |
| HB 134 | 25 | 29 | 610 | 616 | 655 | 788 | | | | 788 | 118<br>337<br>666<br>820 |
| HB 135 | 25 | 29 | | | | | | | | | 820 |
| HB 136 | 25 | 29 | 61 | 61 | 71 | 122 | 730 | 785 | | 122 | 37<br>39<br>62<br>63<br>1941 |
| HB 137 | 25 | 29 | 945 | 945 | 1254 | 1436 | | | 951<br>1436 | 1438 | 101<br>1389<br>1390<br>1462 |
| HB 138 | 25 | 29 | 945 | 1084 | 1254 | 1438 | 1971 | 2190 | 1087<br>2095 | 1438<br>2096 | 101<br>1271<br>1389<br>1941 |
| HB 139 | 25 | 29 | | | | | | | | | 101 |
| HB 140 | 25 | 29 | | | | | | | | | 101 |
| HB 141 | 25 | 29 | 136 | 136 | 165 | 222 | 413 | 796 | 136<br>791 | 222<br>791 | 101<br>202<br>205<br>620<br>792 |
| HB 142 | 25 | 29 | 444 | 445 | 589 | 872 | 1971 | 2190 | 873<br>2096 | 873<br>2097 | 101<br>714<br>783<br>792<br>820<br>890 |
| HB 143 | 25 | 29 | 67 | 68 | 94 | 116 | 2035 | 2040 | 68<br>116 | 117 | 61<br>85<br>106<br>118<br>122 |
| HB 144 | 25 | 29 | | | | | | | | | 84<br>85 |
| HB 145 | 25 | 29 | 160 | 161 | 199 | 222 | 1553 | 1664 | | 222 | 121<br>205 |
| HB 146 | 25 | 29 | | | | | | | | | 101 |
| HB 147 | 25 | 29 | | | | | | | | | 137 |

| | | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | | |
| HB | 148 | 25 | 29 | 876 | 876 | 1131 | | | | | | 57<br>63<br>792<br>900<br>1459<br>1613<br>1775<br>1892<br>1941 |
| HB | 149 | 25 | 29 | 1097 | 1097 | 1254 | 1728 | | | | | 137<br>1546<br>1728<br>1754<br>1836 |
| HB | 150 | 25 | 29 | 65 | 66 | 94 | 104 | 1273 | 1455 | 1396 | 104<br>1397 | 57<br>100<br>1613 |
| HB | 151 | 25 | 29 | 394 | 394 | 409 | 668 | | | 396<br>668 | 668 | 346<br>503<br>504<br>505<br>620<br>784<br>820 |
| HB | 152 | 25 | 29 | | | | | | | | | |
| HB | 153 | 25 | 29 | | | | | | | | | 890 |
| HB | 154 | 25 | 29 | | | | | | | | | |
| HB | 155 | 26 | 29 | | | | | | | | | 106 |
| HB | 156 | 26 | 29 | | | | | | | | | 63<br>206 |
| HB | 157 | 26 | 29 | | | | | | | | | 137<br>782 |
| HB | 158 | 26 | 29 | | | | | | | | | 792<br>1270 |
| HB | 159 | 26 | 29 | | | | | | | | | 667 |
| HB | 160 | 26 | 29 | 800 | 800 | 870 | 1147 | | | 802 | 1147 | 207<br>342<br>346<br>888<br>1400 |
| HB | 161 | 26 | 29 | 747 | 748 | 818 | 1782 | | | 1782 | 1782 | 63<br>85<br>111<br>202<br>630<br>826<br>1253<br>1836<br>1941 |
| HB | 162 | 26 | 29 | 107 | 107 | 114 | | | | | | 39<br>209 |
| HB | 163 | 26 | 29 | | | | | | | | | 106<br>337 |
| HB | 164 | 26 | 29 | | | | | | | | | 106<br>337 |
| HB | 165 | 26 | 29 | | | | | | | | | 727 |
| HB | 166 | 26 | 29 | | | | | | | | | 111<br>199<br>403 |
| HB | 167 | 26 | 29 | | | | | | | | | 37<br>39<br>61<br>63<br>85 |

| | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 168 | 26 | 29 | 225<br>631 | 226 | 338 | 897 | 2196 | 2206 | 227<br>631<br>897<br>1264<br>2201<br>2203 | 1265<br>2203 | 37<br>39<br>57<br>62<br>63<br>70<br>101<br>402<br>602<br>620 |
| HB 169 | 26 | 29 | | | | | | | | | 818<br>826<br>898<br>1132<br>1133 |
| HB 170 | 26 | 29 | 1408 | 1409 | 1459 | 1882 | | | | 1882 | 792<br>1778 |
| HB 171 | 26 | 29 | 360<br>682 | 360 | 403 | 892<br>1264 | | | 682 | 892<br>1264 | 200<br>503<br>818<br>900<br>1133<br>1400 |
| HB 172 | 26 | 29 | 876 | 877 | 1131 | 1432 | 1901 | 1957 | | 1432 | 39<br>57<br>63<br>85<br>202<br>207<br>792<br>900<br>1271<br>1389<br>1462 |
| HB 173 | 26 | 29 | 876 | 877 | 1131 | | | | | | 39<br>57<br>63<br>85<br>202<br>207<br>792<br>900<br>1389<br>1427<br>1613 |
| HB 174 | 26 | 29 | 99 | 99 | 108 | | | | 100 | | 71<br>96<br>205 |
| HB 175 | 26 | 29 | 1473 | 1473 | 1657 | 1783 | | | 1474 | 1784 | 1427<br>1469<br>1613<br>1728<br>1754<br>1941 |
| HB 176 | 26 | 29 | | | | | | | | | |
| HB 177 | 26 | 29 | | | | | | | | | 726 |
| HB 178 | 26 | 29 | 107 | 108 | 114 | 201 | 876 | 1553 | 1395<br>1468 | 202<br>1469 | 39<br>206<br>1430<br>1455<br>1941 |
| HB 179 | 26 | 29 | 67 | 69 | 94 | 110 | 2074 | 2204 | 69<br>110<br>2168 | 110<br>2168 | 39<br>67<br>85<br>100<br>103 |

| | Intro-duced | Re-ferred | Re-ported | Readings | | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 180 | 26 | 29 | 130 | 131 | 165 | 341 | 630 | 659 | | 341 | 57<br>106<br>246<br>900 |
| HB 181 | 26 | 29 | | | | | | | | | |
| HB 182 | 26 | 29 | | | | | | | | | 792 |
| HB 183 | 27 | 29 | | | | | | | | | 37 |
| HB 184 | 27 | 29 | | | | | | | | | 71<br>403 |
| HB 185 | 27 | 35 | | | | | | | | | 39<br>63<br>121 |
| HB 186 | 27 | 35 | 162 | 162 | 199 | 724 | 1401 | 1455 | 162<br>446 | 724 | 39<br>246<br>402<br>446<br>631 |
| HB 187 | 27 | 35 | 1319 | 1323 | 1428 | 1784 | | | 1323 | 1784 | 111<br>118<br>137<br>200<br>504<br>818<br>874<br>1613<br>1728<br>1836<br>1941 |
| HB 188 | 28 | 39 | 67 | 69 | 94 | 167 | | | 167 | 167 | 39<br>61<br>103<br>124<br>138<br>201 |
| HB 189 | 28 | 39 | | | | | | | | | 165 |
| HB 190 | 28 | 39 | | | | | | | | | 165 |
| HB 191 | 28 | 39 | 178 | 182 | 206 | 1669 | 1971 | 2034 | | 1669 | 57<br>71<br>111<br>350<br>602<br>1546 |
| HB 192 | 28 | 39 | 365 | 367 | 403 | | | | 368 | | 200<br>589<br>619<br>1254 |
| HB 193 | 28 | 39 | 130 | 131 | 165 | 658 | 2025 | 2034 | 658 | 659 | 37<br>106<br>206<br>346<br>446<br>603<br>619<br>620<br>659 |
| HB 194 | 28 | 39 | 107 | 108 | 114 | 1669 | 1971 | 2034 | 108<br>1669 | 1670<br>1678 | 71<br>111<br>205<br>349<br>1459<br>1546<br>1677 |
| HB 195 | 28 | 39 | | | | | | | | | |
| HB 196 | 28 | 39 | | | | | | | | | 630 |
| HB 197 | 28 | 39 | | | | | | | | | 111 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 198 | 28 | 39 | | | | | | | | | 37<br>792<br>1270 |
| HB 199 | 28 | 39 | | | | | | | | | 84<br>85 |
| HB 200 | 28 | 38 | | | | | | | | | 63<br>85 |
| HB 201 | 35 | 41 | 1188 | 1189 | 1389 | 1551 | 2074 | 2081 | | 1551 | 70<br>85<br>1428 |
| HB 202 | 35 | 41 | 257 | 258 | 346 | 404 | 2035 | 2204 | 2174 | 404<br>2175 | 209<br>371 |
| HB 203 | 35 | 41 | | | | | | | | | 1547 |
| HB 204 | 35 | 41 | | | | | | | | | 205<br>378 |
| HB 205 | 38 | 42 | 574 | 574 | 619 | 790 | 1877 | 1896 | | 790 | 349<br>714 |
| HB 206 | 38 | 41 | | | | | | | | | |
| HB 207 | 38 | 42 | 1332 | 1332 | 1428 | 1660 | 2071 | 2205 | 1339<br>1660<br>1661<br>2169 | 1661<br>2169 | 137<br>1459<br>1558<br>1613 |
| HB 208 | 38 | 42 | 365 | 368 | 403 | 599 | 1729 | 2190 | 599<br>2091 | 601<br>2091 | 337<br>342<br>503<br>504<br>2196<br>2204<br>2205 |
| HB 209 | 38 | 41 | 87 | 87 | 101 | 117 | | | | 117 | 61<br>106<br>118<br>122<br>1941 |
| HB 210 | 38 | 41 | 382 | 388 | 409 | 601 | 1152 | 1257 | | 602 | 225<br>503 |
| HB 211 | 38 | 41 | 87 | 87 | 101 | 122 | 674 | 1455 | 1395 | 123<br>1395 | 61 |
| HB 212 | 38 | 41 | 87 | 89 | 101 | 139 | 662 | 2206 | 1394<br>2200 | 139<br>2201 | 61<br>121<br>2191 |
| HB 213 | 38 | 41 | 87 | 89 | 101 | 123 | 1671 | 2190 | 91<br>2087 | 123<br>2090 | 61 |
| HB 214 | 38 | 41 | | | | | | | | | |
| HB 215 | 38 | 42 | | | | | | | | | 85<br>202<br>372 |
| HB 216 | 38 | 41 | | | | | | | | | 207 |
| HB 217 | 38 | 42 | 136 | 136 | 165 | 247 | 605 | 628 | | 248 | 101<br>209 |
| HB 218 | 38 | 42 | 400 | 400 | 409 | 720 | 1971 | 2034 | 720 | 720 | 246<br>588<br>655<br>784 |
| HB 219 | 41 | 60 | 162 | 163 | 199 | 223 | 674 | 725 | | 223 | 101<br>205 |
| HB 220 | 41 | 60 | | | | | | | | | |
| HB 221 | 41 | 60 | | | | | | | | | |
| HB 222 | 41 | 60 | | | | | | | | | 63<br>792<br>1270 |
| HB 223 | 41 | 60 | | | | | | | | | 408<br>588 |
| HB 224 | 57 | 60 | | | | | | | | | |

| | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 225 | 57 | 60 | | | | | | | | | 62<br>85<br>95<br>101<br>137<br>138 |
| HB 226 | 57 | 60 | 617 | 617 | 655 | 822 | | | 618<br>822 | 896 | 71<br>782<br>792<br>871 |
| HB 227 | 57 | 60 | | | | | | | | | 71<br>223 |
| HB 228 | 59 | 65 | | | | | | | | | |
| HB 229 | 59 | 65 | | | | | | | | | |
| HB 230 | 59 | 65 | 87 | 91 | 101 | 123 | | | | 123 | 71 |
| HB 231 | 59 | 65 | 151 | 158 | 199 | 248 | | | | 248 | 71<br>209 |
| HB 232 | 59 | 65 | | | | | | | | | |
| HB 233 | 59 | 65 | 159 | 160 | 199 | 353 | 795 | 823 | 160 | 353 | 114<br>337<br>900 |
| HB 234 | 59 | 65 | 1188 | 1190 | 1389 | 1730 | | | 1730 | 1730 | 85<br>337<br>1428<br>1657 |
| HB 235 | 59 | 65 | | | | | | | | | 792<br>1270 |
| HB 236 | 59 | 65 | 245 | 245 | 338 | | | | | | 85<br>106<br>118 |
| HB 237 | 59 | 65 | | | | | | | | | 1547 |
| HB 238 | 64 | 86 | | | | | | | | | 890 |
| HB 239 | 64 | 86 | 394 | 396 | 409 | 623 | | | 396<br>623 | 623 | 337<br>503<br>589 |
| HB 240 | 64 | 86 | | | | | | | | | 137 |
| HB 241 | 64 | 86 | 915 | 915 | 1254 | | | | | | 714<br>1546 |
| HB 242 | 64 | 86 | | | | | | | | | 207 |
| HB 243 | 64 | 86 | | | | | | | | | |
| HB 244 | 64 | 86 | 1152<br>1775 | 1152 | 1389 | | | | 1154 | | 792<br>1657<br>1836<br>1940 |
| HB 245 | 64 | 86 | | | | | | | | | 225<br>784<br>870 |
| HB 246 | 64 | 86 | 1580 | 1584 | 1657 | 1787 | 2071 | 2081 | 1584 | 1787 | 900<br>1547<br>1728<br>1941 |
| HB 247 | 64 | 86 | 1319 | 1323 | 1428 | 1556 | 2071 | 2081 | 1323 | 1556 | 371<br>900<br>1459 |
| HB 248 | 64 | 86 | 680 | 681 | 782 | 1257 | 2052 | 2204 | 681<br>1257<br>2170 | 1258<br>2170 | 200<br>1131<br>1132<br>1270<br>1271<br>1941 |
| HB 249 | 64 | 86 | 423<br>1332 | 442 | 589 | 1788 | 2035 | 2040 | 443 | 1788 | 200<br>246<br>714<br>870<br>1728<br>1836<br>1941 |

| | Intro-duced | Re-ferred | Re-ported | | Readings | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 250 | 64 | 86 | | | | | | | | | 199 |
| HB 251 | 64 | 86 | 662 | 662 | 714 | 1143 | | | 1143 | 1143 | 402<br>782<br>871<br>889<br>1256 |
| HB 252 | 64 | 86 | 372 | 377 | 403 | 625 | 1273 | 1397 | | 625 | 337<br>588<br>1941 |
| HB 253 | 64 | 86 | 1283 | 1284 | 1428 | 1557 | 2035 | 2040 | 1284<br>1557 | 1557 | 207<br>667<br>670<br>1459 |
| HB 254 | 86 | 99 | 191 | 191 | 206 | 247 | 379 | 380 | 194<br>247 | 247 | 95<br>106<br>209<br>221 |
| HB 255 | 86 | 99 | 382 | 388 | 409 | 623 | 1729 | 1754 | | 623 | 225<br>503 |
| HB 256 | 86 | 99 | | | | | | | | | 402 |
| HB 257 | 86 | 99 | | | | | | | | | 792 |
| HB 258 | 97 | 106 | 517 | 517 | 619 | | | | 521 | | 209<br>715<br>782<br>1389<br>1459 |
| HB 259 | 97 | 106 | | | | | | | | | 207<br>792<br>1270 |
| HB 260 | 97 | 106 | 360 | 361 | 403 | 1137 | | | 362 | 1137 | 337<br>503<br>888 |
| HB 261 | 97 | 106 | 160<br>781 | 161 | 199 | 895 | 1553 | 1664 | 781 | 895 | 106<br>246<br>342<br>505<br>588<br>870 |
| HB 262 | 97 | 106 | 334 | 336 | 346 | 621 | | | 621 | 621 | 200<br>408<br>589 |
| HB 263 | 97 | 106 | 334 | 336 | 346 | 506 | | | 337 | 506 | 200<br>408 |
| HB 264 | 97 | 106 | 394 | 396 | 409 | 621 | | | | 621 | 337<br>588 |
| HB 265 | 97 | 106 | | | | | | | | | 106 |
| HB 266 | 97 | 106 | | | | | | | | | |
| HB 267 | 97 | 106 | | | | | | | | | 726<br>1547 |
| HB 268 | 97 | 106 | 1500 | 1504 | 1657 | 1885 | | | 1504 | 1885 | 597<br>1778<br>1941 |
| HB 269 | 97 | 106 | 209 | 209 | 246 | 378 | | | 210 | 379 | 114<br>346<br>504 |
| HB 270 | 98 | 106 | 360 | 362 | 403 | 625 | | | 363 | 626 | 337<br>588<br>628<br>659 |
| HB 271 | 98 | 106 | 537 | 572 | 619 | | | | 573 | | 118<br>714 |
| HB 272 | 98 | 106 | | | | | | | | | |
| HB 273 | 98 | 106 | | | | | | | | | 202<br>342 |

| | Introduced | Referred | Reported | Readings 1st | Readings 2nd | Readings 3rd | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| HB 274 | 98 | 106 | | | | | | | | | 209 |
| HB 275 | 98 | 106 | 245 | 246 | 338 | 353 | | | | 353 | 209<br>346 |
| HB 276 | 98 | 106 | 747 | 748 | 818 | 1783 | | | 1783 | 1783 | 246<br>342<br>630<br>1253<br>1941 |
| HB 277 | 98 | 106 | 876 | 878 | 1131 | | | | | | 202<br>207<br>792<br>900<br>1389<br>1427 |
| HB 278 | 98 | 106 | 344 | 344 | 350 | | | | 345 | | 209<br>503<br>589<br>720 |
| HB 279 | 98 | 106 | | | | | | | | | |
| HB 280 | 98 | 106 | 511 | 511 | 619 | 724 | | | 725 | 725 | 225<br>631<br>655<br>871 |
| HB 281 | 98 | 106 | 915 | 915 | 917 | 1254 | | | 917 | | 630<br>1546 |
| HB 282 | 98 | 106 | 392 | 393 | 409 | | | | 394 | | 199<br>380<br>666 |
| HB 283 | 98 | 106 | 747 | 749 | 749 | 818 | 1673 | | | 1673 | 630<br>1253 |
| HB 284 | 98 | 106 | 915 | 917 | 1254 | 1552 | | | 917 | 1552 | 504<br>1428 |
| HB 285 | 98 | 106 | 662 | 663 | 714 | 823 | 2074 | 2081 | | 823 | 207<br>349<br>782<br>871<br>2024 |
| HB 286 | 98 | 106 | 1319 | 1329 | 1428 | 1787 | | | | 1787 | 900<br>1728<br>1941 |
| HB 287 | 98 | 106 | 364 | 364 | 403 | 624 | 1152 | 1257 | | 624 | 225<br>503 |
| HB 288 | 98 | 106 | 369 | 369 | 403 | 620 | 1804 | 2190 | 2092 | 621<br>2092 | 137<br>503 |
| HB 289 | 98 | 106 | 537 | 538 | 619 | 725 | 1971 | 2034 | | 725 | 402<br>631<br>727 |
| HB 290 | 105 | 121 | 537 | 538 | 619 | | | | | | 118<br>337<br>782<br>870 |
| HB 291 | 105 | 121 | | | | | | | | | 199 |
| HB 292 | 105 | 121 | 1526 | 1526 | 1657 | 1788 | 2071 | 2081 | | 1788 | 1399<br>1728<br>1941 |
| HB 293 | 105 | 121 | | | | | | | | | 199 |
| HB 294 | 105 | 121 | | | | | | | | | |
| HB 295 | 105 | 121 | | | | | | | | | |
| HB 296 | 105 | 121 | | | | | | | | | 504<br>1547 |
| HB 297 | 105 | 121 | | | | | | | | | |
| HB 298 | 105 | 121 | | | | | | | | | 371 |
| HB 299 | 105 | 121 | 675 | 677 | 782 | 892 | | | 677 | 892 | 371<br>818 |

| | Intro-duced | Re-ferred | Re-ported | Readings 1st | Readings 2nd | Readings 3rd | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| HB 300 | 105 | 121 | 213 | 213 | 246 | | | | 221 | | 137<br>619 |
| HB 301 | 105 | 121 | 388 | 391 | 409 | 624 | 1401 | 1455 | | 624 | 349<br>503 |
| HB 302 | 105 | 121 | | | | | | | | | 792<br>1270 |
| HB 303 | 111 | 121 | 344 | 345 | 350 | 506<br>787 | 1892 | 1896 | 345 | 787 | 137<br>408<br>506<br>603<br>667<br>671 |
| HB 304 | 111 | 121 | | | | | | | | | |
| HB 305 | 111 | 121 | 400 | 400 | 409 | 720 | | | | | 246<br>588<br>655<br>720 |
| HB 306 | 111 | 121 | | | | | | | | | |
| HB 307 | 111 | 121 | | | | | | | | | 198 |
| HB 308 | 113 | 121 | | | | | | | | | 207 |
| HB 309 | 113 | 121 | | | | | | | | | 207<br>889<br>1612 |
| HB 310 | 113 | 121 | | | | | | | | | |
| HB 311 | 113 | 121 | | | | | | | | | |
| HB 312 | 113 | 121 | | | | | | | | | 138<br>337<br>371 |
| HB 313 | 113 | 121 | 610 | 617 | 655 | 791 | | | | 791 | 371<br>714<br>791 |
| HB 314 | 113 | 121 | | | | | | | | | 792 |
| HB 315 | 113 | 121 | 364<br>937 | 365 | 403 | 1550 | 2074 | 2081 | 365<br>1550 | 1551 | 137<br>619<br>630<br>1150<br>1389<br>1459 |
| HB 316 | 113 | 121 | | | | | | | | | 202 |
| HB 317 | 113 | 121 | | | | | | | | | 347 |
| HB 318 | 113 | 121 | | | | | | | | | |
| HB 319 | 120 | 129 | 252 | 252 | 346 | | | | | | 199<br>349<br>380 |
| HB 320 | 120 | 129 | 915 | 917 | 1254 | | | | | | 207<br>726<br>1389 |
| HB 321 | 120 | 130 | 443 | 443 | 589 | 726 | 2071 | 2206 | 444<br>2110<br>2111 | 726<br>2188 | 205<br>603<br>631<br>2112 |
| HB 322 | 120 | 130 | 1606 | 1606 | 1657 | 1789 | 2071 | 2081 | 1607 | 1790 | 667<br>1428<br>1547<br>1728<br>1941 |
| HB 323 | 120 | 130 | | | | | | | | | |
| HB 324 | 120 | 129 | 1408 | 1410 | 1459 | | | | | | 504<br>1728 |
| HB 325 | 120 | 129 | 525 | 525 | 619 | 823 | 1971 | 2034 | | 823 | 408<br>782<br>871 |
| HB 326 | 120 | 130 | | | | | | | | | 166 |
| HB 327 | 120 | 129 | | | | | | | | | 900<br>1547 |

| | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 328 | 120 | 129 | | | | | | | | | |
| HB 329 | 120 | 130 | | | | | | | | | 200 |
| | | | | | | | | | | | 337 |
| HB 330 | 120 | 129 | | | | | | | | | |
| HB 331 | 120 | 129 | | | | | | | | | 206 |
| HB 332 | 120 | 129 | | | | | | | | | |
| HB 333 | 128 | 141 | 915 | 917 | 1254 | 1438 | 2025 | 2034 | | 1438 | 670 |
| | | | | | | | | | | | 792 |
| | | | | | | | | | | | 1389 |
| | | | | | | | | | | | 1454 |
| | | | | | | | | | | | 1461 |
| | | | | | | | | | | | 1462 |
| HB 334 | 128 | 141 | 356 | 356 | 403 | 669 | 1753 | 2190 | 669 | 669 | 209 |
| | | | | | | | | | 2092 | 2092 | 408 |
| | | | | | | | | | | | 620 |
| HB 335 | 128 | 141 | 243 | 243 | 338 | 353 | 876 | 898 | | 353 | 199 |
| | | | | | | | | | | | 346 |
| HB 336 | 128 | 141 | 369 | 369 | 403 | 507 | 827 | 873 | | 507 | 225 |
| | | | | | | | | | | | 408 |
| HB 337 | 128 | 141 | 252 | 254 | 346 | 380 | 1273 | 2206 | 2076 | 380 | 199 |
| | | | | | | | | | | 2076 | 349 |
| HB 338 | 128 | 141 | 800 | 804 | 870 | 1135 | 1901 | 2190 | 804 | 1136 | 199 |
| | | | | | | | | | 2094 | 2094 | 888 |
| | | | | | | | | | | | 1150 |
| HB 339 | 128 | 141 | 252 | 254 | 346 | 404 | 730 | 785 | | 404 | 199 |
| | | | | | | | | | | | 371 |
| HB 340 | 128 | 141 | | | | | | | | | 792 |
| HB 341 | 128 | 141 | | | | | | | | | 207 |
| HB 342 | 128 | 141 | | | | | | | | | 409 |
| HB 343 | 128 | 141 | 398 | 398 | 409 | 716 | 1553 | 1664 | 717 | 717 | 225 |
| | | | | | | | | | | | 619 |
| | | | | | | | | | | | 667 |
| HB 344 | 128 | 141 | | | | | | | | | |
| HB 345 | 128 | 141 | | | | | | | | | 202 |
| | | | | | | | | | | | 207 |
| HB 346 | 128 | 141 | 610 | 617 | 655 | 824 | | | | 824 | 402 |
| | | | | | | | | | | | 782 |
| | | | | | | | | | | | 826 |
| | | | | | | | | | | | 871 |
| | | | | | | | | | | | 2024 |
| HB 347 | 129 | 141 | 680 | 681 | 782 | 894 | | | | 894 | 504 |
| | | | | | | | | | | | 818 |
| | | | | | | | | | | | 1132 |
| | | | | | | | | | | | 1400 |
| HB 348 | 129 | 141 | 1533 | 1533 | 1657 | | | | | | 402 |
| | | | | | | | | | | | 1779 |
| HB 349 | 129 | 141 | 731 | 731 | 818 | 1146 | 2074 | 2204 | 2167 | 1146 | 199 |
| | | | | | | | | | | 2167 | 870 |
| HB 350 | 129 | 141 | 1332 | 1339 | 1428 | | | | 1341 | | 402 |
| | | | | | | | | | | | 1728 |
| HB 351 | 129 | 141 | | | | | | | | | |
| HB 352 | 129 | 141 | 680 | | | | | | | | 250 |
| | | | | | | | | | | | 504 |
| HB 353 | 129 | 141 | 418 | 419 | 589 | 788 | | | | 788 | 346 |
| | | | | | | | | | | | 666 |
| | | | | | | | | | | | 793 |
| HB 354 | 129 | 141 | | | | | | | | | |
| HB 355 | 129 | 141 | 608 | 608 | 655 | 788 | 1971 | 2190 | 2096 | 789 | 349 |
| | | | | | | | | | | | 666 |
| HB 356 | 129 | 141 | 243 | 245 | 338 | 405 | | | 245 | | 199 |
| | | | | | | | | | | | 371 |
| | | | | | | | | | | | 405 |
| HB 357 | 129 | 141 | | | | | | | | | |
| HB 358 | 129 | 141 | 372 | 377 | 403 | 626 | | 1257 | | 626 | 346 |
| | | | | | | | | | | | 588 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 359 | 129 | 141 | 444 | 445 | 589 | | | | | | 342 |
| HB 360 | 140 | 177 | | | | | | | | | 402 |
| HB 361 | 140 | 177 | 684 | 684 | 782 | 1144 | | | 1144 | | 402<br>818<br>820<br>1145<br>1391 |
| HB 362 | 140 | 177 | 606 | 606 | 655 | 824 | 1971 | 2034 | | 824 | 346<br>782<br>871<br>2024 |
| HB 363 | 140 | 177 | 1097 | 1100 | 1254 | | | | | | 402<br>1547 |
| HB 364 | 140 | 177 | 755 | 755 | 818 | 1147 | | | | 1147 | 246<br>870 |
| HB 365 | 140 | 177 | 400 | 401 | 409 | 626 | 2035 | 2040 | | 627 | 246<br>588 |
| HB 366 | 140 | 177 | 1408 | 1410 | 1459 | 1730 | 2074 | 2131 | 1411 | 1730 | 783<br>1254<br>1657<br>1836<br>1901 |
| HB 367 | 140 | 177 | | | | | | | | | |
| HB 368 | 140 | 177 | 517 | 521 | 619 | 668 | 1877 | 2059 | 524<br>2045 | 668<br>2045 | 371<br>603<br>631 |
| HB 369 | 140 | 177 | 608 | 608 | 655 | 789 | 2071 | 2081 | | 789 | 349<br>666 |
| HB 370 | 140 | 177 | 662 | 662 | 714 | 873 | 1553 | 1664 | | 873 | 209<br>782 |
| HB 371 | 140 | 177 | 1171 | 1172 | 1389 | 1878 | 2074 | 2205 | 2112<br>2116 | 1878<br>2116 | 889<br>1428<br>1459<br>1876<br>1941 |
| HB 372 | 140 | 177 | | | | | | | | | |
| HB 373 | 140 | 177 | | | | | | | | | 402<br>631 |
| HB 374 | 175 | 177 | 631<br>757 | 631 | 667 | 872 | 1439 | 1455 | 757 | 872 | 225<br>371<br>602<br>714<br>818<br>890<br>1257 |
| HB 375 | 175 | 177 | | | | | | | | | |
| HB 376 | 176 | 205 | 1289 | 1292 | 1428 | | | | 1292 | | 630<br>1657<br>1775 |
| HB 377 | 176 | 205 | 418 | 419 | 589 | 896 | | | | 896 | 225<br>631 |
| HB 378 | 176 | 205 | 399 | 400 | 409 | 722 | 1971 | 2034 | 400 | 722 | 349<br>619 |
| HB 379 | 176 | 205 | | | | | | | | | 630 |
| HB 380 | 176 | 205 | | | | | | | | | 792<br>1270 |
| HB 381 | 176 | 205 | | | | | | | | | 792<br>1270 |
| HB 382 | 176 | 205 | | | | | | | | | 670<br>1547 |
| HB 383 | 176 | 205 | 1130 | 1130 | 1254 | | | | 1131 | | 630<br>1390<br>1546 |
| HB 384 | 176 | 205 | | | | | | | | | 223 |

| | Intro-duced | Re-ferred | Re-ported | | Readings | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 385 | 176 | 205 | | | | | | | | | |
| HB 386 | 176 | 205 | | | | | | | | | |
| HB 387 | 176 | 205 | 675 | 678 | 782 | 892 | | | | 892 | 630<br>818 |
| HB 388 | 176 | 205 | | | | | | | | | 402 |
| HB 389 | 176 | 205 | | | | | | | | | 349 |
| HB 390 | 200 | 205 | 1152 | 1154 | 1389 | 1676 | | | | | 371<br>603<br>620<br>792<br>1546<br>1677<br>1680 |
| HB 391 | 200 | 205 | | | | | | | | | 337<br>628<br>1612 |
| HB 392 | 201 | 205 | | | | | | | | | 402 |
| HB 293 | 201 | 205 | | | | | | | | | 406<br>1389 |
| HB 394 | 204 | 209 | 1408 | 1411 | 1459 | 1674 | 2035 | 2040 | 1411 | 1674 | 792<br>1255<br>1546 |
| HB 395 | 204 | 209 | 1500 | 1504 | 1657 | | | | 1504 | | 337<br>1836<br>1940 |
| HB 396 | 204 | 209 | 517 | 524 | 619 | 717 | | | 718 | 718 | 246<br>342<br>346<br>631<br>659<br>671<br>716<br>792<br>793 |
| HB 397 | 204 | 209 | | | | | | | | | |
| HB 398 | 204 | 209 | | | | | | | | | 870 |
| HB 399 | 204 | 209 | | | | | | | | | 588<br>792<br>1389 |
| HB 400 | 204 | 209 | | | | | | | | | 792<br>1270 |
| HB 401 | 204 | 209 | | | | | | | | | 792<br>1270 |
| HB 402 | 204 | 209 | 1188 | 1191 | 1389 | 1552 | 2052 | 2190 | 2098 | 1552<br>2099 | 408<br>603<br>1428 |
| HB 403 | 204 | 209 | | | | | | | | | 371 |
| HB 404 | 204 | 209 | | | | | | | | | 890 |
| HB 405 | 204 | 209 | | | | | | | | | 792 |
| HB 406 | 204 | 209 | 684 | 685 | 782 | 1262 | | | | 1262 | 346<br>1131<br>1270 |
| HB 407 | 204 | 209 | 537 | 565 | 619 | 896 | 2052 | 2205 | 896<br>2166 | 897<br>2167 | 246<br>628<br>782<br>826<br>871<br>900<br>1133<br>2196 |
| HB 408 | 205 | 209 | 414 | 414 | 589 | 717 | 1553 | 1664 | | 717 | 337<br>631<br>1256<br>1429 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 409 | 206 | 209 | | | | | | | | | |
| HB 410 | 206 | 209 | | | | | | | | | 619 |
| HB 411 | 206 | 209 | 369 | 370 | 403 | 626 | 1553 | 1664 | | 626 | 337<br>588 |
| HB 412 | 206 | 209 | 400 | 401 | 409 | 785 | | | | 785 | 246<br>631<br>793 |
| HB 413 | 207 | 209 | 1496 | 1496 | 1657 | 1881 | | | | 1881 | 1131<br>1778 |
| HB 414 | 207 | 209 | 747 | 749 | 818 | | | | | | 630<br>1253<br>1889 |
| HB 415 | 207 | 209 | | | | | | | | | 792 |
| HB 416 | 207 | 209 | 805 | 805 | 870 | 1136 | 1971 | 2034 | 806 | 1136 | 351<br>619<br>888 |
| HB 417 | 208 | 225 | 1188 | 1192 | 1389 | 1553 | | | | 1553 | 408<br>1459 |
| HB 418 | 208 | 225 | | | | | | | | | 223 |
| HB 419 | 208 | 225 | 400 | 402 | 409 | 627 | | | | 627 | 346<br>588 |
| HB 420 | 208 | 225 | | | | | | | | | 820<br>874<br>1389 |
| HB 421 | 208 | 225 | | | | | | | | | 402 |
| HB 422 | 208 | 225 | 414<br>782 | 416 | 589 | 1431 | | | 1431 | 1432 | 346<br>714<br>1253<br>1391<br>1469 |
| HB 423 | 208 | 225 | 608 | 609 | 655 | 791 | 1671 | 1754 | 609 | 791 | 402<br>714 |
| HB 424 | 208 | 225 | | | | | | | | | 402<br>1389 |
| HB 425 | 208 | 225 | 1283 | 1284 | 1428 | | | | 1284 | | 820<br>874<br>1728 |
| HB 426 | 208 | 225 | | | | | | | | | 792 |
| HB 427 | 208 | 225 | | | | | | | | | 402 |
| HB 428 | 208 | 225 | | | | | | | | | |
| HB 429 | 224 | 252 | 1319 | 1323 | 1428 | | | | | | 371<br>1657 |
| HB 430 | 224 | 252 | 443 | 444 | 589 | 785 | 1753 | 1896 | | 785 | 408<br>631 |
| HB 431 | 224 | 252 | 532 | 532 | 619 | 824 | 1401 | 1455 | 536 | 824 | 337<br>782 |
| HB 432 | 224 | 252 | 750 | 750 | 818 | 894 | 1671 | 2190 | 751<br>2081 | 895<br>2083 | 337<br>870<br>2024 |
| HB 433 | 224 | 252 | 1592 | 1592 | 1657 | | | | | | 337<br>1779 |
| HB 434 | 224 | 252 | 399 | 399 | 409 | 627 | | | 399 | 627 | 337<br>588 |
| HB 435 | 224 | 252 | 1592 | 1593 | 1657 | | | | | | 337<br>1558<br>1779 |
| HB 436 | 224 | 252 | 811 | 812 | 870 | 1430 | 2074 | 2204 | 1430<br>2109 | 1430<br>2110 | 630<br>888<br>1255<br>1399<br>1454<br>2205 |

| | Introduced | Referred | Reported | Readings 1st | 2nd | 3rd | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| HB 437 | 224 | 252 | 1097 | 1101 | 1254 | 1658 | 2074 | 2131 | 1658<br>1659 | 1659 | 354<br>402<br>620<br>1459<br>1469<br>1546 |
| HB 438 | 224 | 252 | 574 | 574 | 619 | 825 | 1401 | 1455 | 581 | 825 | 349<br>782<br>826<br>2024 |
| HB 439 | 224 | 252 | | | | | | | | | 402 |
| HB 440 | 224 | 252 | | | | | | | | | 670<br>1547 |
| HB 441 | 224 | 252 | | | | | | | | | 402 |
| HB 442 | 224 | 252 | | | | | | | | | 402 |
| HB 443 | 224 | 252 | | | | | | | | | |
| HB 444 | 251 | 349 | 747 | 749 | 818 | 895 | 1901 | 1957 | | 895 | 408<br>870<br>900<br>1400 |
| HB 445 | 251 | 349 | | | | | | | | | |
| HB 446 | 251 | 349 | 537 | 569 | 619 | 785 | | | | 786 | 377<br>631 |
| HB 447 | 251 | 349 | 828 | 829 | 889 | 1258 | 1901 | 1957 | | 1258 | 792<br>1131<br>1270<br>1271<br>1462 |
| HB 448 | 251 | 349 | | | | | | | | | 1254 |
| HB 449 | 251 | 349 | | | | | | | | | 597 |
| HB 450 | 251 | 349 | 811 | 812 | 870 | 1263 | | | | | 630<br>888<br>1263 |
| HB 451 | 251 | 349 | 447 | 502 | 589 | 786 | 2025 | 2205 | 503<br>2175 | 786<br>2181 | 408<br>631 |
| HB 452 | 251 | 349 | | | | | | | | | 504<br>1547 |
| HB 453 | 251 | 349 | 944 | 944 | 1254 | 1439 | | | 945 | 1439 | 377<br>1389 |
| HB 454 | 341 | 349 | | | | | | | | | 630<br>1547 |
| HB 455 | 341 | 349 | 828 | 830 | 889 | 1258 | 1971 | 2034 | | 1258 | 792<br>1131<br>1270<br>1271<br>1941 |
| HB 456 | 341 | 349 | 684 | 685 | 782 | 1145 | 1948 | 2190 | 1145<br>2095 | 1145<br>2095 | 402<br>818<br>889 |
| HB 457 | 341 | 349 | 684 | 687 | 782 | 893 | 1729 | 1754 | | 893 | 402<br>818 |
| HB 458 | 341 | 349 | | | | | | | | | |
| HB 459 | 341 | 349 | 1473 | 1474 | 1657 | 1784 | 2071 | 2081 | 1476 | 1784 | 1427<br>1728<br>1941 |
| HB 460 | 342 | 349 | 1496 | 1497 | 1657 | | | | 1497 | | 1131<br>1728 |
| HB 461 | 342 | 349 | | | | | | | | | |
| HB 462 | 342 | 349 | | | | | | | | | |
| HB 463 | 342 | 349 | 1285 | 1285 | 1428 | 1670 | | | 1286 | 1670 | 620<br>1254<br>1546 |
| HB 464 | 342 | 349 | 1289 | 1293 | 1428 | 1800 | | | 1293 | 1800 | 402<br>1728<br>1941 |

| | Introduced | Referred | Reported | Readings 1st | Readings 2nd | Readings 3rd | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| HB 465 | 342 | 349 | 1152 | 1155 | 1389 | 1661 | | | | 1661 | 792<br>1459 |
| HB 466 | 344 | 349 | 609 | 610 | 655 | 822 | 2052 | 2059 | 610 | 822 | 354<br>402<br>826 |
| HB 467 | 344 | 349 | 878 | 878 | 1131 | 1391 | | | | | 409<br>1253<br>1392 |
| HB 468 | 344 | 349 | 683 | 683 | 782 | | | | 683 | | 409<br>792<br>818<br>898 |
| HB 469 | 344 | 349 | 606 | 608 | 655 | 789 | | | 789 | 789 | 408<br>666<br>727 |
| HB 470 | 344 | 349 | | | | | | | | | 402 |
| HB 471 | 344 | 349 | 937 | 1254 | 1551 | | | | | 1551 | 347<br>826<br>1389<br>1558<br>1560 |
| HB 472 | 348 | 356 | | | | | | | | | 1270 |
| HB 473 | 348 | 356 | 414<br>1358 | 418 | 589 | | | | 1358 | | 402<br>714<br>1728 |
| HB 474 | 348 | 356 | | | | | | | | | 714 |
| HB 475 | 348 | 356 | 418 | 422 | 589 | 670 | 1455 | 1553 | | 670 | 408<br>631<br>715 |
| HB 476 | 348 | 356 | 684 | 684 | 782 | 898 | 2074 | 2081 | | 899 | 602<br>818<br>871 |
| HB 477 | 348 | 356 | 811 | 815 | 870 | | | | | | 504<br>1254 |
| HB 478 | 348 | 356 | 807 | 807 | 870 | 1148 | 1971 | 2034 | | 1148 | 667<br>888 |
| HB 479 | 348 | 356 | 537 | 569 | 619 | 890 | | | 890 | 891 | 409<br>782<br>871 |
| HB 480 | 348 | 356 | 796 | 799 | 870 | 1148 | | | | 1148 | 406<br>603<br>619<br>888 |
| HB 481 | 348 | 356 | | | | | | | | | 603<br>619 |
| HB 482 | 348 | 356 | | | | | | | | | 603<br>619 |
| HB 483 | 348 | 356 | | | | | | | | | 406 |
| HB 484 | 348 | 356 | 1171 | 1178 | 1389 | | | | | | 409<br>1547 |
| HB 485 | 348 | 356 | 731 | 734 | 818 | 1147 | 1729 | 1754 | | 1147 | 667<br>870 |
| HB 486 | 348 | 356 | | | | | | | | | |
| HB 487 | 348 | 356 | | | | | | | | | 619 |
| HB 488 | 348 | 356 | 807 | 808 | 870 | 1136 | 2035 | 2040 | | 1136 | 667<br>888<br>1271 |
| HB 489 | 349 | 356 | 807 | 808 | 870 | 1136 | 2035 | 2040 | 809 | 1137 | 667<br>888<br>1271 |
| HB 490 | 355 | 382 | | | | | | | | | |
| HB 491 | 355 | 382 | | | | | | | | | 588 |
| HB 492 | 355 | 382 | | | | | | | | | |
| HB 493 | 355 | 382 | | | | | | | | | |
| HB 494 | 355 | 382 | | | | | | | | | |

|  | Intro-duced | Re-ferred | Re-ported | Readings |  |  | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  |  | 1st | 2nd | 3rd |  |  |  |  |  |
| HB 495 | 355 | 382 |  |  |  |  |  |  |  |  | 619 |
| HB 496 | 355 | 382 | 662 | 664 | 714 | 825 | 2074 | 2204 | 2165 | 825<br>2165 | 504<br>782<br>826<br>871<br>2024 |
| HB 497 | 355 | 382 | 1332 | 1341 | 1428 | 1674 | 2033 |  |  | 1674 | 504<br>784<br>870<br>1546 |
| HB 498 | 355 | 382 | 683 | 683 | 782 | 893 | 1877 | 2190 | 2093 | 893<br>2094 | 619<br>818<br>820<br>1132<br>2205 |
| HB 499 | 355 | 382 | 684 | 687 | 782 | 893 | 2052 | 2205 | 2172 | 893<br>2174 | 619<br>871<br>1132 |
| HB 500 | 355 | 382 | 807 | 809 | 870 |  |  |  |  |  | 630<br>1254 |
| HB 501 | 355 | 382 |  |  |  |  |  |  |  |  | 408<br>1547 |
| HB 502 | 355 | 382 |  |  |  |  |  |  |  |  | 792 |
| HB 503 | 372 | 382 |  |  |  |  |  |  |  |  |  |
| HB 504 | 372 | 382 | 1408 | 1411 | 1459 |  |  |  | 1412<br>1413 |  | 406<br>792<br>1270<br>1657 |
| HB 505 | 372 | 382 |  |  |  |  |  |  |  |  | 406<br>504<br>900<br>1428 |
| HB 506 | 372 | 382 |  |  |  |  |  |  |  |  | 406<br>619<br>792 |
| HB 507 | 372 | 382 | 1756 | 1761 | 1779 |  |  |  | 1761 |  | 406<br>619<br>792<br>1836<br>2023 |
| HB 508 | 381 | 408 |  |  |  |  |  |  |  |  |  |
| HB 509 | 381 | 408 | 807 | 809 | 870 | 1148 | 2035 |  | 2097 | 1148 | 630<br>888<br>2098 |
| HB 510 | 381 | 408 | 811 | 816 | 870 |  |  |  |  |  | 504<br>1389 |
| HB 511 | 381 | 408 |  |  |  |  |  |  |  |  |  |
| HB 512 | 381 | 408 |  |  |  |  |  |  |  |  |  |
| HB 513 | 381 | 408 |  |  |  |  |  |  |  |  | 619 |
| HB 514 | 381 | 408 | 805 | 806 | 870 | 1137 |  |  |  | 1137 | 619<br>888 |
| HB 515 | 381 | 408 |  |  |  |  |  |  |  |  | 826 |
| HB 516 | 381 | 408 |  |  |  |  |  |  |  |  | 670<br>900<br>1428 |
| HB 517 | 381 | 408 | 828 | 833 | 889 | 1392 |  |  |  | 1392 | 792<br>1253<br>1399<br>1775<br>1941<br>2194 |
| HB 518 | 406 | 408 | 937 | 938 | 1254 | 1660 | 2035 | 2040 |  | 1660 | 874<br>1257<br>1428 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 519 | 406 | 408 | 1248 | 1252 | 1389 | 1552 | | | | 1552 | 714<br>1428 |
| HB 520 | 407 | 414 | | | | | | | | | 792 |
| HB 521 | 407 | 414 | 674 | 674 | 782 | 899 | 2071 | 2190 | 2083 | 899<br>2087 | 619<br>818<br>2192 |
| HB 522 | 407 | 414 | | | | | | | | | |
| HB 523 | 407 | 414 | | | | | | | | | 411<br>619 |
| HB 524 | 407 | 414 | 1194 | 1194 | 1389 | | | | | | 870<br>1257<br>1547 |
| HB 525 | 407 | 414 | 1248 | 1253 | 1389 | | | | 1253 | | 667<br>1657 |
| HB 526 | 407 | 414 | 750 | 752 | 818 | 1265 | 1971 | 2034 | | 1266 | 630<br>1131 |
| HB 527 | 407 | 414 | 675 | 678 | 782 | 1145 | | | | 1145 | 588<br>818 |
| HB 528 | 407 | 414 | | | | | | | | | |
| HB 529 | 407 | 414 | | | | | | | | | 619 |
| HB 530 | 407 | 414 | | | | | | | | | 630 |
| HB 531 | 407 | 414 | 1684 | 1684 | 1728 | 1882 | | | | 1882 | 1427<br>1778<br>1941 |
| HB 532 | 407 | 414 | 755 | 755 | 818 | 1258 | 1971 | 2034 | | 1258 | 504<br>1131<br>1270<br>1271 |
| HB 533 | 413 | 510 | 811 | 817 | 870 | 1146 | | | | 1146 | 630<br>888<br>1132<br>1256 |
| HB 534 | 413 | 510 | | | | | | | | | 630 |
| HB 535 | 413 | 510 | | | | | | | | | 630<br>1612 |
| HB 536 | 413 | 510 | 1289 | 1293 | 1428 | | | | 1298 | | 889<br>1657 |
| HB 537 | 413 | 510 | | | | | | | | | |
| HB 538 | 413 | 510 | | | | | | | | | 619 |
| HB 539 | 413 | 510 | 675 | 679 | 782 | 1261 | 2035 | 2040 | 1261<br>1674 | 1674 | 619<br>818<br>1132<br>1150<br>1261<br>1459<br>1558 |
| HB 540 | 413 | 510 | 731 | 737 | 818 | 1266 | 1901 | 1957 | | 1266 | 619<br>1131 |
| HB 541 | 413 | 510 | 800 | 804 | 870 | 1149 | | | | 1149 | 630<br>888 |
| HB 542 | 413 | 510 | 1319 | 1329 | 1428 | | | | | | 874<br>1657 |
| HB 543 | 413 | 510 | | | | | | | | | |
| HB 544 | 413 | 510 | 750 | 752 | 818 | 1134 | 1553 | 1664 | | 1134 | 667<br>870 |
| HB 545 | 509 | 605 | | | | | | | | | 714 |
| HB 546 | 509 | 605 | 800 | 805 | 870 | | | | | | 630<br>1150<br>1389<br>1400<br>1427 |
| HB 547 | 509 | 605 | 1152<br>1533 | 1157 | 1389 | 1790 | 2071 | 2081 | | 1790 | 888<br>1459<br>1728<br>1941 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 548 | 509 | 605 | 805 | 807 | 870 | 1138<br>1549 | | | 807<br>1549<br>1550 | 1550 | 628<br>630<br>888<br>1138<br>1150<br>1390<br>1469 |
| HB 549 | 509 | 605 | 828 | 840 | 889 | 1259 | 1671 | 2205 | 1259<br>2076 | 1259<br>2077 | 792<br>1131<br>1150<br>1270<br>1429 |
| HB 550 | 509 | 605 | | | | | | | | | 603<br>659<br>667 |
| HB 551 | 509 | 605 | | | | | | | | | 670 |
| HB 552 | 509 | 605 | | | | | | | | | |
| HB 553 | 509 | 605 | | | | | | | | | |
| HB 554 | 509 | 605 | | | | | | | | | 628 |
| HB 555 | 509 | 606 | | | | | | | | | |
| HB 556 | 604 | 630 | | | | | | | | | 726 |
| HB 557 | 604 | 630 | | | | | | | | | 870 |
| HB 558 | 604 | 630 | 828 | 857 | 889 | 1260 | 1804 | 2059 | 862<br>1963 | 1260<br>1964 | 792<br>889<br>1131<br>1270<br>1271<br>1390<br>1399<br>1966<br>1976 |
| HB 559 | 604 | 630 | 1171 | 1181 | 1389 | 1547 | 2025 | 2034 | 1181 | 1547 | 889<br>1428<br>1613 |
| HB 560 | 604 | 630 | 937 | 940 | 1254 | 1433 | 2035 | 2040 | | 1433 | 826<br>1389<br>1454<br>1462 |
| HB 561 | 604 | 630 | 1571 | 1573 | 1657 | | | | | | 889<br>1779 |
| HB 562 | 604 | 630 | 937 | 943 | 1254 | 1433 | 1877 | 1896 | | 1434 | 667<br>1389<br>1462 |
| HB 563 | 604 | 630 | 828 | 863 | 889 | 1259 | 1671 | 1754 | | 1259 | 792<br>1131<br>1270<br>1271 |
| HB 564 | 604 | 630 | 878 | 879 | 1131 | 1392 | 1971 | 2034 | | 1392 | 714<br>1253<br>1399 |
| HB 565 | 604 | 630 | 1332 | 1341 | 1428 | 1671 | 2052 | 2059 | | 1671 | 870<br>1546<br>1680 |
| HB 566 | 604 | 630 | 903 | 903 | 1254 | 1549 | 2035 | 2040 | | 1549 | 818<br>1428 |
| HB 567 | 604 | 630 | 937 | 943 | 1254 | 1434 | 2035 | 2040 | | 1434 | 826<br>1389 |
| HB 568 | 604 | 630 | 811 | 817 | 870 | 1138 | 2074 | 2204 | 1138<br>2118<br>2124 | 1141<br>2125 | 726<br>871<br>888<br>1256 |
| HB 569 | 604 | 630 | 828 | 864 | 889 | 1260 | 1729 | 1754 | | 1260 | 792<br>1131<br>1270<br>1271<br>2194 |

| | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 570 | 604 | 630 | 1606 | 1607 | 1657 | | | | 1609 | | 1254<br>1558<br>1836<br>1940 |
| HB 571 | 604 | 630 | | | | | | | | | 726<br>1254 |
| HB 572 | 604 | 630 | | | | | | | | | 826 |
| HB 573 | 604 | 630 | 937 | 943 | 1254 | 1434 | 2025 | 2034 | | 1434 | 826<br>1389<br>1462 |
| HB 574 | 604 | 630 | 807 | 810 | 870 | 1149 | | | 1149 | 1149 | 670<br>888<br>889 |
| HB 575 | 604 | 630 | 1285 | 1286 | 1428 | 1728 | | | | 1728 | 1254<br>1546 |
| HB 576 | 605 | 630 | 1285 | 1286 | 1428 | 1675 | | | | 1675 | 1254<br>1546 |
| HB 577 | 605 | 630 | | | | | | | | | 826<br>1612 |
| HB 578 | 605 | 630 | | | | | | | | | |
| HB 579 | 605 | 630 | 1273 | 1273 | 1428 | 1671 | 2071 | 2204 | 1275<br>1671<br>2103 | 1672<br>2103 | 630<br>792<br>1428<br>1546 |
| HB 580 | 605 | 630 | | | | | | | | | 792<br>1428 |
| HB 581 | 605 | 630 | | | | | | | | | 1254<br>1613 |
| HB 582 | 605 | 630 | | | | | | | | | 826<br>1547 |
| HB 583 | 605 | 630 | 1152 | 1157 | 1389 | 1557 | 1901 | 1957 | | 1557 | 792<br>1271<br>1459 |
| HB 584 | 605 | 630 | 1631 | 1632 | 1728 | 1882 | | | | 1882 | 889<br>1778<br>1941 |
| HB 585 | 605 | 630 | 755 | 755 | 818 | 1392 | 1971 | 2034 | 757 | 1393 | 714<br>1253<br>1399 |
| HB 586 | 605 | 630 | | | | | | | | | 870 |
| HB 587 | 605 | 630 | 1194 | 1196 | 1389 | 1731 | 2074 | 2205 | 1200<br>1731<br>2166 | 1747<br>2166 | 667<br>1400<br>1469<br>1657 |
| HB 588 | 605 | 630 | | | | | | | | | |
| HB 589 | 629 | 662 | 1420 | 1421 | 1459 | 1675 | | | | 1675 | 1399<br>1546<br>1775 |
| HB 590 | 629 | 662 | 1402 | 1402 | 1459 | 1672 | 1971 | 2034 | | 1673 | 826<br>1546 |
| HB 591 | 629 | 662 | 1408 | 1413 | 1459 | | | | 1414 | | 888<br>1657 |
| HB 592 | 629 | 662 | | | | | | | | | 870 |
| HB 593 | 629 | 662 | 869 | 869 | 889 | 1393 | 2052 | 2206 | 870<br>2099 | 1393<br>2100 | 670<br>1253<br>1399 |
| HB 594 | 629 | 662 | | | | | | | | | 1131 |
| HB 595 | 629 | 662 | 1580 | 1580 | 1657 | 1790 | | | | | 900<br>1728<br>1790 |
| HB 596 | 629 | 662 | | | | | | | | | 870 |
| HB 597 | 629 | 662 | | | | | | | | | 826<br>1547 |
| HB 598 | 629 | 662 | | | | | | | | | 726 |

| | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 599 | 629 | 662 | 878 | 880 | 1131 | 1434 | | | | 1434 | 870<br>1389<br>1454<br>1462 |
| HB 600 | 660 | 673 | 903 | 905 | 1254 | | | | | | 818<br>1547 |
| HB 601 | 660 | 673 | | | | | | | | | 900<br>1547 |
| HB 602 | 660 | 673 | 1473 | 1476 | 1657 | 1779 | 2074 | 2205 | 1491<br>2140 | 1780<br>2140 | 1427<br>1728<br>1779<br>1835<br>1941 |
| HB 603 | 660 | 674 | | | | | | | | | 1389 |
| HB 604 | 660 | 673 | | | | | | | | | |
| HB 605 | 660 | 673 | | | | | | | | | |
| HB 606 | 660 | 673 | | | | | | | | | 1254 |
| HB 607 | 660 | 674 | | | | | | | | | 870 |
| HB 608 | 660 | 674 | | | | | | | | | |
| HB 609 | 660 | 662 | | | | | | | | | 666<br>671<br>730<br>783 |
| HB 610 | 660 | 673 | | | | | | | | | 792 |
| HB 611 | 660 | 674 | 1637 | 1637 | 1728 | 1883 | | | 1637 | 1883 | 1547<br>1778 |
| HB 612 | 660 | 674 | | | | | | | | | 1270 |
| HB 613 | 661 | 673 | 1152 | 1158 | 1389 | | | | 1158 | | 792<br>1657 |
| HB 614 | 661 | 674 | | | | | | | | | |
| HB 615 | 661 | 673 | | | | | | | | | 890 |
| HB 616 | 661 | 673 | | | | | | | | | 792<br>826<br>1547 |
| HB 617 | 661 | 674 | | | | | | | | | 1254 |
| HB 618 | 661 | 674 | | | | | | | | | 1689 |
| HB 619 | 661 | 673 | | | | | | | | | |
| HB 620 | 661 | 673 | 1614 | 1614 | 1728 | | | | | | 1427<br>2023 |
| HB 621 | 661 | 673 | 1698 | 1698 | 1779 | | | | 1699 | | 1389<br>2023 |
| HB 622 | 661 | 674 | | | | | | | | | 870 |
| HB 623 | 661 | 674 | 1289 | 1298 | 1428 | 1747 | | | 1299 | 1747 | 889<br>1657<br>1775 |
| HB 624 | 661 | 674 | | | | | | | | | 870 |
| HB 625 | 661 | 662 | 1097 | 1103 | 1254 | 1548 | 2074 | 2205 | 1125<br>1549<br>2143<br>2165 | 1549<br>2165 | 792<br>870<br>1428 |
| HB 626 | 661 | 673 | 1273 | 1276 | 1428 | 1790 | 2074 | 2131 | | 1790 | 1133<br>1728<br>1836<br>1941 |
| HB 627 | 661 | 673 | 805 | 807 | 870 | 1142 | 1553 | 1664 | | 1142 | 726<br>888 |
| HB 628 | 661 | 673 | | | | | | | | | 1254 |
| HB 629 | 661 | 673 | 1614 | 1615 | 1728 | 1888 | 2071 | 2081 | | 1888 | 1254<br>1876 |
| HB 630 | 661 | 673 | | | | | | | | | 726<br>784<br>793 |
| HB 631 | 661 | 673 | 907 | 908 | 1254 | 1435 | 2035 | 2040 | | 1435 | 792<br>1389<br>1462 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 632 | 661 | 674 | | | | | | | | | 870 |
| HB 633 | 661 | 673 | | | | | | | | | |
| HB 634 | 661 | 673 | | | | | | | | | 1459 |
| HB 635 | 672 | 730 | | | | | | | | | 1254 |
| HB 636 | 672 | 730 | 1188 | 1192 | 1389 | | | | | | 870<br>1657 |
| HB 637 | 672 | 730 | 1408 | 1414 | 1459 | 1748 | | | | 1748 | 1254<br>1657<br>1836 |
| HB 638 | 672 | 730 | 1579 | 1579 | 1657 | 1960 | | | 1960 | 1960 | 1131<br>1778<br>1940 |
| HB 639 | 672 | 730 | 1332 | 1342 | 1428 | 1673 | 1971 | 2034 | | 1673 | 870<br>1546<br>1976 |
| HB 640 | 672 | 730 | 1402 | 1402 | 1459 | 1662 | 2035 | 2040 | | 1662 | 889<br>1546<br>1976 |
| HB 641 | 672 | 730 | 1289 | 1299 | 1428 | 1780 | 2052 | 2190 | 1780<br>2125 | 1781<br>2128 | 900<br>1546<br>1775<br>1941 |
| HB 642 | 672 | 730 | | | | | | | | | 889<br>1428 |
| HB 643 | 672 | 730 | 1332 | 1345 | 1428 | 1663 | 2071 | 2081 | 1346 | 1663 | 870<br>1546 |
| HB 644 | 672 | 730 | 1171 | 1182 | 1389 | 1548 | 2071 | 2206 | 2102<br>2197 | 1548<br>2197 | 889<br>1428<br>2102<br>2130<br>2184 |
| HB 645 | 672 | 730 | 1533 | 1540 | 1657 | 1785 | 2071 | 2081 | | 1785 | 870<br>1728<br>1941 |
| HB 646 | 672 | 730 | 878<br>1727 | 880 | 1131 | 1879 | 2074 | 2131 | 1727 | 1879 | 818<br>1253<br>1462<br>1657<br>1876<br>1941 |
| HB 647 | 672 | 730 | 1289 | 1301 | 1428 | 1781 | 2071 | 2081 | 1781 | 1781 | 900<br>1546<br>1680<br>1775<br>1941 |
| HB 648 | 672 | 730 | 1188 | 1192 | 1389 | 1665 | 2071 | 2081 | | 1665 | 870<br>1546 |
| HB 649 | 672 | 730 | | | | | | | | | 889<br>1547 |
| HB 650 | 672 | 730 | | | | | | | | | |
| HB 651 | 672 | 730 | 1560 | 1560 | 1657 | 1785 | 2071 | 2081 | 1561<br>1563<br>1785 | 1787 | 889<br>1459<br>1728<br>1941 |
| HB 652 | 672 | 730 | 1319 | 1331 | 1428 | 1663 | 2025 | 2034 | | 1663 | 900<br>1546 |
| HB 653 | 672 | 730 | | | | | | | | | |
| HB 654 | 673 | 730 | | | | | | | | | 870 |
| HB 655 | 673 | 730 | | | | | | | | | |
| HB 656 | 673 | 730 | 1614 | 1615 | 1728 | | | | | | 1254<br>1779 |
| HB 657 | 673 | 730 | | | | | | | | | 820 |
| HB 658 | 673 | 730 | | | | | | | | | |
| HB 659 | 673 | 730 | | | | | | | | | 1427 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 660 | 673 | 730 | 1698 | 1699 | 1779 | 1888 | 2074 | 2131 | 1700 | 1888 | 1427<br>1876<br>1976 |
| HB 661 | 673 | 730 | | | | | | | | | 889 |
| HB 662 | 673 | 730 | | | | | | | | | 792 |
| HB 663 | 673 | 730 | 907 | 908 | 1254 | 1675 | 2052 | 2059 | | 1675 | 874<br>1546 |
| HB 664 | 673 | 730 | | | | | | | | | 870 |
| HB 665 | 673 | 730 | 1681 | 1681 | 1728 | 1883 | 2074 | 2131 | | 1883 | 818<br>1778 |
| HB 666 | 728 | 795 | 1402 | 1404 | 1459 | | | | | | 826<br>1779 |
| HB 667 | 728 | 795 | | | | | | | | | 870 |
| HB 668 | 728 | 795 | | | | | | | | | 870 |
| HB 669 | 728 | 795 | | | | | | | | | 1254 |
| HB 670 | 728 | 795 | | | | | | | | | 874 |
| HB 671 | 728 | 795 | | | | | | | | | 874<br>1131<br>1271 |
| HB 672 | 728 | 795 | 1457 | 1457 | 1547 | 1748 | | | | 1748 | 1131<br>1657<br>1748 |
| HB 673 | 728 | 795 | | | | | | | | | 870 |
| HB 674 | 728 | 795 | 1152 | 1158 | 1389 | 1467 | 1971 | 2034 | | 1467 | 888<br>1400<br>1428<br>1941 |
| HB 675 | 729 | 795 | 1152 | 1160 | 1389 | 1467 | 1971 | 2034 | | 1467 | 888<br>1400<br>1428<br>1470<br>1941 |
| HB 676 | 729 | 795 | 1267 | 1268 | 1389 | 1467 | 2052 | 2204 | 1467<br>2171 | 1467<br>2171 | 888<br>1391<br>1409<br>1428<br>1941 |
| HB 677 | 729 | 795 | 1267 | 1269 | 1389 | 1468 | 2074 | 2190 | 2141 | 1468<br>2143 | 888<br>1391<br>1400<br>1428<br>1941 |
| HB 678 | 729 | 795 | 1152 | 1161 | 1389 | 1468 | 1901 | 1957 | | 1468 | 888<br>1400<br>1428<br>1941 |
| HB 679 | 729 | 795 | | | | | | | | | |
| HB 680 | 729 | 795 | | | | | | | | | 900 |
| HB 681 | 729 | 795 | 1358 | 1358 | 1428 | 1665 | | | | 1665 | 889<br>1546 |
| HB 682 | 729 | 795 | 1721 | 1722 | 1779 | | | | | | 1270<br>2023 |
| HB 683 | 729 | 795 | | | | | | | | | |
| HB 684 | 729 | 795 | | | | | | | | | 1389 |
| HB 685 | 729 | 795 | | | | | | | | | |
| HB 686 | 729 | 795 | | | | | | | | | |
| HB 687 | 729 | 795 | 1457 | 1457 | 1547 | 1883 | | | 1883 | 1884 | 1131<br>1778<br>1892<br>1940 |
| HB 688 | 729 | 795 | 1500 | 1505 | 1657 | 1791 | | | | 1791 | 900<br>1728<br>1941 |
| HB 689 | 729 | 795 | 1756 | 1756 | 1779 | | | | | | 870<br>2023 |

| | Introduced | Referred | Reported | | Readings | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 690 | 729 | 795 | 1289 | 1311 | 1428 | 1792 | | | | 1792 | 1728<br>1941 |
| HB 691 | 729 | 795 | 1420 | 1422 | 1459 | 1676 | | | | 1676 | 1399<br>1546 |
| HB 692 | 729 | 795 | 1420 | 1423 | 1459 | 1676 | | | | 1676 | 1399<br>1546 |
| HB 693 | 729 | 795 | | | | | | | | | 1399 |
| HB 694 | 729 | 795 | 1097 | 1127 | 1254 | 1435 | 1753 | 1896 | | 1435 | 870<br>1389<br>1462 |
| HB 695 | 729 | 795 | 1152 | 1162 | 1389 | 1548 | 2035 | 2040 | 1169 | 1548 | 888<br>1428 |
| HB 696 | 729 | 795 | 1332 | 1346 | 1428 | 1664 | 2074 | 2081 | 1353<br>2077 | 1664<br>2078 | 870<br>1546<br>2192<br>2194<br>2196<br>2204 |
| HB 697 | 729 | 795 | 1273 | 1276 | 1428 | 1672 | 2071 | 2081 | | 1672 | 870<br>1546 |
| HB 698 | 729 | 795 | 1152 | 1169 | 1389 | 1555 | 2035 | 2040 | 1555 | 1555 | 888<br>1390<br>1391<br>1428 |
| HB 699 | 729 | 795 | 1267 | 1267 | 1389 | 1660 | 2035 | 2040 | | 1660 | 888<br>1428 |
| HB 700 | 729 | 795 | 1332 | 1353 | 1428 | 1664 | 2035 | 2040 | | 1664 | 870<br>1546 |
| HB 701 | 794 | 827 | 1358 | 1358 | 1428 | | | | | | 900<br>1728 |
| HB 702 | 794 | 827 | | | | | | | | | 1613 |
| HB 703 | 794 | 827 | | | | | | | | | 1613 |
| HB 704 | 794 | 827 | | | | | | | | | |
| HB 705 | 794 | 827 | 915 | 918 | 1254 | 1661 | 2052 | 2206 | 1662<br>2128<br>2197 | 1662<br>2198 | 889<br>1428<br>1459<br>2130<br>2191 |
| HB 706 | 794 | 827 | 937 | 944 | 1254 | 1662 | 2071 | 2204 | 2170 | 1662<br>2170 | 874<br>1459<br>1680 |
| HB 707 | 794 | 827 | | | | | | | | | 1427 |
| HB 708 | 794 | 827 | 1358 | 1358 | 1428 | | | | | | 900<br>1657 |
| HB 709 | 794 | 827 | 1522 | 1522 | 1657 | 1792 | 2052 | 2059 | 1792 | | 1428<br>1728<br>1941 |
| HB 710 | 794 | 827 | | | | | | | | | |
| HB 711 | 794 | 827 | | | | | | | | | |
| HB 712 | 794 | 827 | 1332 | 1354 | 1428 | 1665 | 1971 | 2034 | | 1665 | 1389<br>1546 |
| HB 713 | 795 | 827 | 1152 | 1169 | 1389 | 1892 | 2071 | 2081 | 1892<br>1893 | 1893 | 888<br>1390<br>1459<br>1941 |
| HB 714 | 795 | 827 | 1358 | 1361 | 1428 | 1677 | | | | 1677 | 900<br>1546 |
| HB 715 | 795 | 827 | 1420 | 1424 | 1459 | 1678<br>1890 | | | 1890 | 1891 | 1399<br>1546<br>1613<br>1678<br>1775<br>1801<br>1941 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 716 | 795 | 827 | 907 | 908 | 1254 | 1668 | 2052 | 2205 | 911<br>2100<br>2190 | 1668<br>2191 | 874<br>1546<br>2101<br>2117<br>2130<br>2184 |
| HB 717 | 795 | 827 | 1420 | 1426 | 1459 | | | | | | 1399<br>1779 |
| HB 718 | 795 | 827 | | | | | | | | | |
| HB 719 | 795 | 827 | 1563 | 1563 | 1657 | 1793 | | | 1563<br>1564 | | 1271<br>1427<br>1728<br>1793 |
| HB 720 | 795 | 827 | 1571 | 1574 | 1657 | | | | | | 1428<br>1728 |
| HB 721 | 825 | 827 | 1496 | 1497 | 1657 | | | | | | 900<br>1940 |
| HB 722 | 825 | 827 | 1684 | 1684 | 1728 | 1884 | | | | 1884 | 1389<br>1778 |
| HB 723 | 826 | 827 | 1685 | 1685 | 1728 | | | | | | 1427<br>2023 |
| HB 724 | 826 | 827 | | | | | | | | | |
| HB 725 | 827 | 876 | | | | | | | | | |
| HB 726 | 827 | 876 | | | | | | | | | |
| HB 727 | 827 | 876 | 1691 | 1691 | 1779 | | | | 1691 | | 1132<br>1254<br>2023 |
| HB 728 | 827 | 876 | 1719 | 1719 | 1779 | | | | | | 1254<br>2023 |
| HB 729 | 827 | 876 | | | | | | | | | |
| HB 730 | 827 | 876 | 1701 | 1701 | 1779 | | | | | | 1254<br>2023 |
| HB 731 | 827 | 876 | 1194 | 1200 | 1389 | 1553 | 1901 | 1957 | 1245 | 1554 | 900<br>1459 |
| HB 732 | 871 | 876 | 915 | 918 | 1254 | 1435 | 2025 | 2034 | 928 | 1435 | 871<br>889<br>900<br>1255<br>1389<br>1462<br>1469<br>1613 |
| HB 733 | 871 | 876 | 1289 | 1313 | 1428 | 1679 | 2074 | 2131 | 1313 | 1679 | 1254<br>1546 |
| HB 734 | 871 | 876 | 1420 | 1426 | 1459 | | | | | | 1399<br>1469<br>1728 |
| HB 735 | 875 | 903 | | | | | | | | | |
| HB 736 | 875 | 903 | | | | | | | | | |
| HB 737 | 875 | 903 | 1631 | 1633 | 1728 | 1878 | 2071 | 2081 | 1634 | 1878 | 1459<br>1778<br>1941 |
| HB 738 | 875 | 903 | 1564 | 1564 | 1657 | 1787 | 2074 | 2131 | | 1787 | 1728<br>1941 |
| HB 739 | 875 | 903 | | | | | | | | | |
| HB 740 | 875 | 903 | 1579 | 1580 | 1657 | 1789 | 2071 | 2081 | | 1789 | 1389<br>1728<br>1836<br>1941 |
| HB 741 | 875 | 903 | 1564 | 1565 | 1657 | 1789 | | | | 1789 | 1728<br>1941 |
| HB 742 | 875 | 903 | | | | | | | | | |
| HB 743 | 875 | 903 | 1408 | 1414 | 1459 | 1884 | | | | 1884 | 1254<br>1778<br>1941 |

| | Intro-duced | Re-ferred | Re-ported | | Readings | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 744 | 875 | 903 | | | | | | | | | |
| HB 745 | 875 | 903 | 1518 | 1518 | 1657 | 1968 | | | | 1968 | 1427<br>1940<br>2023<br>2024 |
| HB 746 | 875 | 903 | 1638 | 1638 | 1728 | | | | | | 1254<br>1779 |
| HB 747 | 875 | 903 | | | | | | | | | |
| HB 748 | 899 | 903 | | | | | | | | | 1389 |
| HB 749 | 899 | 903 | | | | | | | | | |
| HB 750 | 899 | 903 | 1285 | 1287 | 1428 | 1665 | 2071 | 2081 | | 1666 | 1254<br>1546 |
| HB 751 | 899 | 903 | | | | | | | | | 1256 |
| HB 752 | 899 | 903 | 1496 | 1498 | 1657 | 1884 | | | | 1885 | 1254<br>1271<br>1778 |
| HB 753 | 899 | 903 | 1457 | 1458 | 1547 | 1749 | 2035 | 2040 | | 1749 | 1254<br>1657<br>1836 |
| HB 754 | 899 | 903 | 1564 | 1570 | 1657 | 1888 | 2074 | 2131 | | 1888 | 1876 |
| HB 755 | 899 | 903 | 1358 | 1362 | 1428 | 1666 | 2074 | 2131 | | 1666 | 1254<br>1546 |
| HB 756 | 902 | 1152 | 1571 | 1574 | 1657 | | | | | | 1459<br>1728 |
| HB 757 | 902 | 1152 | 1701 | 1702 | 1779 | 1968 | | | | 1968 | 1612<br>1940<br>2024 |
| HB 758 | 902 | 1152 | 1289 | 1313 | 1428 | 1666 | 2052 | 2059 | 1319<br>1666 | 1666 | 1254<br>1459<br>1546<br>1558 |
| HB 759 | 902 | 1152 | 1533 | 1541 | 1657 | 1789 | 2071 | 2081 | | 1789 | 1427<br>1613<br>1728<br>1941 |
| HB 760 | 902 | 1152 | 1610 | 1612 | 1657 | 1791 | 2071 | 2081 | | 1791 | 1270<br>1728<br>1941 |
| HB 761 | 902 | 1152 | 1533 | 1541 | 1657 | 1878 | 2071 | 2081 | 1878 | 1879 | 1427<br>1613<br>1778<br>1836<br>1941 |
| HB 762 | 902 | 1152 | 1592 | 1595 | 1657 | | | | | | 1270<br>1728 |
| HB 763 | 902 | 1152 | 1571 | 1575 | 1657 | 1791 | 2071 | 2081 | | 1791 | 1459<br>1728<br>1941 |
| HB 764 | 902 | 1152 | 1638 | 1640 | 1728 | 1879 | 2052 | 2059 | 1879 | 1881 | 1270<br>1680<br>1778<br>1941 |
| HB 765 | 902 | 1152 | 1592 | 1604 | 1657 | 1792 | 2071 | 2081 | | 1792 | 1270<br>1728<br>1941 |
| HB 766 | 902 | 1152 | | | | | | | | | |
| HB 767 | 902 | 1152 | | | | | | | | | 1271 |
| HB 768 | 902 | 1152 | | | | | | | | | 1427 |
| HB 769 | 902 | 1152 | | | | | | | | | 1427 |
| HB 770 | 902 | 1152 | | | | | | | | | 1547 |
| HB 771 | 903 | 1152 | 1526 | 1527 | 1657 | | | | 1528 | | 1427<br>1778<br>1901<br>2049 |

| | Intro-duced | Re-ferred | Re-ported | Readings | | | Senate Message | En-rolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 772 | 903 | 1152 | 1571 | 1571 | 1657 | 1891 | | | 1891 | 1891 | 1876<br>1940 |
| HB 773 | 903 | 1152 | 1721 | 1722 | 1779 | | | | 1723 | | 1427<br>2023<br>2033 |
| HB 774 | 903 | 1152 | 1610 | 1612 | 1657 | 1793 | | | | 1793 | 1399<br>1728<br>1941 |
| HB 775 | 903 | 1152 | | | | | | | | | |
| HB 776 | 903 | 1152 | | | | | | | | | |
| HB 777 | 1151 | 1273 | | | | | | | | | 1427 |
| HB 778 | 1151 | 1273 | 1526 | 1529 | 1657 | 1794 | 2071 | 2081 | | 1794 | 1427<br>1613<br>1728<br>1836<br>1941 |
| HB 779 | 1151 | 1273 | | | | | | | | | |
| HB 780 | 1267 | 1273 | | | | | | | | | |
| HB 781 | 1267 | 1273 | | | | | | | | | |
| HB 782 | 1267 | 1273 | | | | | | | | | |
| HB 783 | 1267 | 1273 | 1533 | 1542 | 1657 | 1792 | 2071 | 2081 | | 1792 | 1427<br>1728<br>1941 |
| HB 784 | 1267 | 1273 | | | | | | | | | 1427 |
| HB 785 | 1151 | 1273 | | | | | | | | | 1428 |
| HB 786 | 1151 | 1273 | | | | | | | | | 1428 |
| HB 787 | 1151 | 1401 | 1571<br>1995 | 1571 | 1657 | 2033 | | | 1571 | 2033 | 1271<br>1427<br>1940<br>2023 |
| HB 788 | 1151 | 1273 | 1408 | 1419 | 1459 | 1673 | 2035 | 2040 | | 1673 | 1546 |
| HB 789 | 1151 | 1273 | | | | | | | | | |
| HB 790 | 1151 | 1273 | | | | | | | | | 1427 |
| HB 791 | 1151 | 1273 | | | | | | | | | 1389 |
| HB 792 | 1151 | 1273 | 1614 | 1616 | 1728 | | | | | | 1547<br>1613<br>2023 |
| HB 793 | 1151 | 1273 | 1614 | 1616 | 1728 | | | | | | 1427<br>1613<br>2023<br>2044 |
| HB 794 | 1151 | 1273 | | | | | | | | | |
| HB 795 | 1267 | 1273 | | | | | | | | | |
| HB 796 | 1267 | 1273 | 1610 | 1610 | 1657 | 1968 | | | 1611 | 1969 | 1459<br>1547<br>1940<br>2023<br>2024 |
| HB 797 | 1267 | 1273 | | | | | | | | | 1547 |
| HB 798 | 1267 | 1273 | 1500 | 1505 | 1657 | 1885 | | | | 1885 | 1427<br>1778 |
| HB 799 | 1272 | 1402 | 1533 | 1543 | 1657 | 1795 | 2071 | 2081 | | 1795 | 1390<br>1459<br>1728<br>1941 |
| HB 800 | 1272 | 1402 | | | | | | | | | |
| HB 801 | 1272 | 1401 | | | | | | | | | 1427 |
| HB 802 | 1272 | 1401 | 1500 | 1506 | 1657 | 1885 | 2074 | 2131 | | 1885 | 1459<br>1778 |
| HB 803 | 1272 | 1402 | | | | | | | | | 1460 |
| HB 804 | 1272 | 1402 | | | | | | | | | |
| HB 805 | 1272 | 1401 | 1587 | 1588 | 1657 | 1899 | | | 1588<br>1589 | | 1459<br>1728<br>1899 |

| | Introduced | Referred | Reported | Readings | | | Senate Message | Enrolled | Sub.or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | | |
| HB 806 | 1272 | 1401 | 1500 | 1506 | 1657 | 1795 | 2052 | 2059 | 1795 | 1796 | 1427<br>1680<br>1728<br>1941<br>2182 |
| HB 807 | 1272 | 1401 | 1587 | 1589 | 1657 | | | | 1592 | | 1459<br>1940<br>1970 |
| HB 808 | 1272 | 1401 | 1500 | 1517 | 1657 | | | | | | 1459<br>1728 |
| HB 809 | 1272 | 1401 | 1500 | 1517 | 1657 | 1798 | 2071 | 2081 | | 1798 | 1459<br>1728<br>1941 |
| HB 810 | 1272 | 1402 | | | | | | | | | 1459 |
| HB 811 | 1272 | 1401 | | | | | | | | | 1689 |
| HB 812 | 1272 | 1401 | 1500 | 1517 | 1657 | 1886 | | | | 1886 | 1427<br>1778 |
| HB 813 | 1272 | 1401 | 1457 | 1457 | 1547 | 1749 | 2071 | 2081 | | 1749 | 1400<br>1657<br>1836 |
| HB 814 | 1397 | 1402 | 1637 | 1637 | 1728 | 1886 | | | | 1886 | 1427<br>1778 |
| HB 815 | 1397 | 1402 | 1638 | 1645 | 1728 | 1886 | 2074 | 2204 | 2168 | 1887 | 1427<br>1778 |
| HB 815 | 1397 | 1402 | 1638 | 1645 | 1728 | 1886 | 2074 | 2204 | 2168 | 1887<br>2169 | 1427<br>1778 |
| HB 816 | 1397 | 1402 | 1518 | 1519 | 1657 | 1794 | 2071 | 2081 | | 1794 | 1427<br>1728<br>1941 |
| HB 817 | 1397 | 1402 | 1686 | 1686 | 1728 | 1970 | | | | 1971 | 1459<br>1940<br>2024 |
| HB 818 | 1397 | 1402 | 1518 | 1520 | 1657 | 1798 | | | 1798 | 1799 | 1728<br>1775<br>1941 |
| HB 819 | 1401 | 1456 | | | | | | | | | |
| HB 820 | 1401 | 1456 | | | | | | | | | 1680 |
| HB 821 | 1401 | 1456 | | | | | | | | | |
| HB 822 | 1401 | 1456 | 1681 | 1682 | 1728 | 1887 | 2071 | 2081 | 1887 | 1887 | 1778<br>1836 |
| HB 823 | 1401 | 1456 | 1698 | 1700 | 1779 | 1889 | | | | 1889 | 1547<br>1876<br>1941 |
| HB 824 | 1401 | 1456 | | | | | | | | | 1459 |
| HB 825 | 1439 | 1456 | 1831 | 1831 | 1876 | 1971 | | | | 1971 | 1459<br>1940<br>2024 |
| HB 826 | 1439 | 1456 | 1831 | 1831 | 1876 | 1972 | | | | 1972 | 1459<br>1940 |
| HB 827 | 1439 | 1456 | | | | | | | | | |
| HB 828 | 1439 | 1456 | | | | | | | | | |
| HB 829 | 1456 | 1473 | | | | | | | | | |
| HB 830 | 1456 | 1473 | | | | | | | | | |
| HB 831 | 1456 | 1473 | | | | | | | | | |
| HB 832 | 1456 | 1473 | | | | | | | | | 1689 |
| HB 833 | 1456 | 1473 | | | | | | | | | |
| HB 834 | 1456 | 1473 | | | | | | | | | |
| HB 835 | 1456 | 1473 | | | | | | | | | |
| HB 836 | 1456 | 1473 | | | | | | | | | |
| HB 837 | 1456 | 1473 | 1841 | 1841 | 1947 | | | | | | 1689<br>2023 |

| | Intro- | Re- | Re- | | Readings | | Senate | En- | Sub.or | | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | duced | ferred | ported | 1st | 2nd | 3rd | Message | rolled | Amend | Voting | Action |
| HB 838 | 1456 | 1473 | 1585 | 1585 | 1657 | 1794 | 2052 | 2059 | 1794 | 1795 | 1469<br>1612<br>1613<br>1680<br>1728<br>1941 |
| HB 839 | 1456 | 1473 | | | | | | | | | |
| HB 840 | 1456 | 1614 | | | | | | | | | |
| HB 841 | 1456 | 1473 | | | | | | | | | |
| HB 842 | 1456 | 1473 | 1580 | 1580 | 1657 | 1796 | 2052 | 2059 | 1796 | 1796 | 1547<br>1680<br>1728<br>1941 |
| HB 843 | 1470 | 1473 | | | | | | | | | |
| HB 844 | 1470 | 1473 | | | | | | | | | |
| HB 845 | 1470 | 1473 | | | | | | | | | |
| HB 846 | 1470 | 1473 | | | | | | | | | |
| HB 847 | 1470 | 1473 | | | | | | | | | |
| HB 848 | 1472 | 1473 | 1930 | 1930 | 1947 | | | | | | 1657<br>1689<br>2023 |
| HB 849 | 1472 | 1473 | | | | | | | | | |
| HB 850 | 1472 | 1473 | 1805 | 1810 | 1876 | | | | | | 1689<br>1940<br>1941 |
| HB 851 | 1472 | 1473 | | | | | | | | | |
| HB 852 | 1472 | 1473 | | | | | | | | | |
| HB 853 | 1472 | 1473 | | | | | | | | | |
| HB 854 | 1472 | 1473 | | | | | | | | | |
| HB 855 | 1472 | 1473 | | | | | | | | | |
| HB 856 | 1560 | 1614 | | | | | | | | | |
| HB 857 | 1560 | 1614 | | | | | | | | | |
| HB 858 | 1560 | 1614 | | | | | | | | | |
| HB 859 | 1560 | 1614 | | | | | | | | | |
| HB 860 | 1560 | 1614 | | | | | | | | | |

## HISTORY OF HOUSE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.)

| | | Introduced | Referred | Reported | | Readings | | Adopted | Senate Message | Enrolled | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| HJR | 1 | 27 | 29 | | | | | | | | |
| HCR | 2 | 27 | 29 | 1701 | 1706 | 1779 | 1889 | 1889 | | | 826<br>1876 |
| HJR | 3 | 27 | 29 | | | | | | | | 137 |
| HJR | 4 | 27 | 29 | | | | | | | | 1400 |
| HCR | 5 | 27 | 29 | 235 | 235 | 338 | 657 | 657 | | | 57<br>63<br>114<br>202<br>402<br>409<br>446<br>619<br>659 |
| HCR | 6 | 27 | 29 | 235 | 235 | 338 | 658 | | | | 57<br>63<br>111<br>114<br>202<br>402<br>409<br>446<br>619<br>658<br>659 |
| HJR | 7 | 27 | 29 | 235 | 236 | 338 | 597 | 598 | | | 63<br>119<br>121<br>402<br>589 |
| HR | 8 | 9 | | | | | | 10 | | | |
| HR | 9 | 10 | | | | | | 10 | | | |
| HR | 10 | 10 | | | | | | 12 | | | |
| HJR | 11 | 27 | 35 | | | | | | | | |
| HJR | 12 | 41 | 60 | 99 | 99 | 108 | 117 | 118 | 176 | 177 | 94<br>118<br>122 |
| HCR | 13 | 41 | 60 | 159 | 160 | 199 | 346 | 346 | 1901 | 1957 | 57<br>63<br>84<br>85<br>101<br>337<br>347 |
| HCR | 14 | 41 | 60 | 796 | 798 | 870 | 1266 | 1266 | | | 137<br>1131 |
| HCR | 15 | 60 | | | | | | 62 | 65 | 71 | 63<br>84 |
| HR | 16 | 64 | | | | | | 83 | | | |
| HR | 17 | 64 | | | | | | 71 | | | |
| HR | 18 | 86 | | | | | | 95 | | | |
| HCR | 19 | 86 | 99 | | | | | | | | 199 |
| HR | 20 | 98 | | | | | | 101 | | | 199 |
| HCR | 21 | 98 | | | | | | 102 | 137 | 165 | |
| HR | 22 | 98 | | | | | | 101 | | | 202 |

| | | Introduced | Referred | Reported | Readings | | | Adopted | Senate Message | Enrolled | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| HCR | 23 | 111 | 121 | 235 | 236 | 338 | 657 | 657 | | | 137<br>402<br>409<br>446<br>619<br>659 |
| HJR | 24 | 111 | 121 | 680 | 682 | 782 | 1391 | 1391 | 2035 | 2040 | 380<br>504<br>1131<br>1254<br>1271<br>1391<br>1399 |
| HJR | 25 | 111 | 121 | | | | | | | | 826 |
| HR | 26 | 113 | | | | | | 114 | | | |
| HJR | 27 | 113 | 121 | | | | | | | | 137 |
| HR | 28 | 118 | | | | | | 118 | | | |
| HR | 29 | 124 | | | | | | 124 | | | |
| HR | 30 | 129 | 141 | 252 | 257 | 346 | 405 | 405 | | | 199<br>371 |
| HR | 31 | 129 | | | | | | 137 | | | |
| HJR | 32 | 129 | 141 | | | | | | | | 402 |
| HR | 33 | 129 | | | | | | 138 | | | |
| HR | 34 | 140 | | | | | | 166 | | | |
| HR | 35 | 140 | | | | | | 166 | | | |
| HJR | 36 | 176 | 205 | 443 | 444 | 589 | | | | | 408<br>714<br>870 |
| HCR | 37 | 177 | 205 | 369 | 370 | 403 | 507 | 507 | 827 | 873 | 202<br>225<br>408 |
| HJR | 38 | 177 | 205 | | | | | | | | 346 |
| HJR | 39 | 177 | 205 | | | | | | | | 337 |
| HR | 40 | 204 | 209 | 398 | 398 | 409 | 786 | 786 | | | 631 |
| HR | 41 | 204 | 209 | 1332 | 1355 | 1428 | 1781 | 1782 | | | 402<br>1546<br>1941 |
| HCR | 42 | 225 | 252 | 444 | 445 | 589 | 670 | 670 | 1553 | 1664 | 402<br>619 |
| HR | 43 | 251 | | | | | | 339 | | | |
| HR | 44 | 342 | 349 | 606 | 608 | 655 | 790 | 790 | | | 408<br>666 |
| HR | 45 | 355 | | | | | | 371 | | | |
| HJR | 46 | 355 | 382 | | | | | | | | 619 |
| HR | 47 | 356 | 382 | | | | | | | | 619 |
| HR | 48 | 381 | | | | | | | | | 403 |
| HR | 49 | 381 | 408 | | | | | 819 | | | |
| HJR | 50 | 407 | 414 | 1580 | 1585 | 1657 | 1799 | 1799 | 2071 | 2081 | 1459<br>1728<br>1941 |
| HR | 51 | 407 | | | | | | 410 | | | |
| HR | 52 | 407 | | | | | | 409 | | | |
| HR | 53 | 413 | | | | | | 504 | | | 505 |
| HR | 54 | 413 | 510 | | | | | | | | |
| HR | 55 | 509 | 606 | 1526 | 1530 | 1657 | | | | | 1131<br>1613<br>1940 |
| HR | 56 | 605 | | | | | | 620 | | | |
| HJR | 57 | 605 | 630 | | | | | | | | |
| HR | 58 | 660 | 673 | 907 | 914 | 1254 | 1436 | 1436 | | | 1389 |
| HR | 59 | 660 | 674 | | | | | 783 | | | |
| HJR | 60 | 661 | 673 | 1402 | 1404 | 1459 | 1752 | 1752 | 2071 | 2081 | 874<br>1657 |

| | | Introduced | Referred | Reported | Readings | | | Adopted | Senate Message | Enrolled | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| HJR | 61 | 661 | 673 | 1402 | 1405 | 1459 | 1752 | 1752 | 2071 | 2081 | 874<br>1657 |
| HR | 62 | 673 | 730 | | | | | | | | 1428 |
| HR | 63 | 673 | | | | | | 715 | | | 715 |
| HJR | 64 | 673 | 730 | 1825 | 1826 | 1876 | 1972 | 1972 | | | 1940<br>2049 |
| HCR | 65 | 728 | 795 | 1285 | 1287 | 1428 | | | | | 1254<br>1728<br>1798 |
| HJR | 66 | 728 | 795 | 1097 | 1127 | 1254 | 1436 | 1436 | | | 870<br>1389 |
| HCR | 67 | 728 | 795 | 1319 | 1331 | 1428 | | | | | 900<br>1657 |
| HCR | 68 | 728 | 795 | 1638 | 1645 | 1728 | | | | | 1399<br>2023 |
| HJR | 69 | 728 | 795 | | | | | | | | |
| HCR | 70 | 794 | 827 | | | | | | | | |
| HJR | 71 | 794 | 827 | 1402 | 1406 | 1459 | 1752 | 1753 | | | 1131<br>1657 |
| HR | 72 | 794 | | | | | | 819 | | | |
| HJR | 73 | 795 | 827 | 1585 | 1586 | 1657 | 1797 | 1797 | 2071 | 2081 | 1680<br>1728<br>1797<br>1941 |
| HCR | 74 | 871 | 876 | 1719 | 1721 | 1779 | 2051 | 2051 | | | 1254<br>2023 |
| HJR | 75 | 871 | 876 | 1285 | 1288 | 1428 | 1782 | 1782 | 2071 | 2081 | 1254<br>1546<br>1613<br>1835<br>1836<br>1901<br>1941 |
| HJR | 76 | 875 | 903 | | | | | | | | |
| HR | 77 | 875 | | | | | | 889 | | | |
| HR | 78 | 900 | 903 | 1825 | 1827 | 1876 | | | | | 2048 |
| HR | 79 | 902 | | | | | | 1132 | | | 1256 |
| HR | 80 | 1151 | | | | | | 1257 | | | |
| HR | 81 | 1151 | | | | | | 1255 | | | |
| HR | 82 | 1151 | | | | | | 1255 | | | |
| HR | 83 | 1267 | 1273 | 1985 | 1985 | 2025 | 2052 | 2052 | | | 1427<br>2048 |
| HCR | 84 | 1272 | 1401 | 1500 | 1517 | 1657 | 1798 | 1798 | | | 1427<br>1728<br>1941 |
| HR | 85 | 1273 | | | | | | 1390 | | | |
| HR | 86 | 1401 | 1456 | | | | | | | | 1775<br>1835 |
| HR | 87 | 1401 | 1456 | 1564 | 1570 | 1657 | 1799 | 1799 | | | 1728<br>1941 |
| HR | 88 | 1401 | | | | | | 1429 | | | |
| HR | 89 | 1455 | | | | | | 1461 | | | |
| HR | 90 | 1455 | | | | | | | | | |
| HR | 91 | 1455 | | | | | | 1460 | | | |
| HR | 92 | 1455 | | | | | | 1460 | | | |
| HJR | 93 | 1455 | 1473 | 1985 | 1985 | 2025 | 2052 | 2052 | | | 2048 |
| HR | 94 | 1455 | 1473 | 1681 | 1682 | 1728 | 1888 | 1888 | | | 1778 |
| HJR | 95 | 1455 | | | | | | | | | |
| HR | 96 | 1470 | | | | | | 2187 | | | |
| HR | 97 | 1470 | | | | | | 1672 | | | |
| HR | 98 | 1470 | 1560 | 1919 | 1919 | 1947 | | | | | 1689<br>2023 |
| HR | 99 | 1470 | 1560 | | | | | | | | |

| | Introduced | Referred | Reported | Readings | | | Adopted | Senate Message | Enrolled | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | |
| HJR 100 | 1472 | 1473 | 1585 | 1587 | 1657 | 1800 | 1800 | 2071 | 2081 | 1612<br>1613<br>1728<br>1835<br>1941 |
| HR 101 | 1472 | 1473 | | | | | 1559 | | | 1613 |
| HR 102 | 1472 | 1473 | 1692 | 1692 | 1779 | | | | | 1689<br>1876<br>1889 |
| HR 103 | 1472 | 1473 | | | | | 1559 | | | 1613 |
| HR 104 | 1560 | 1614 | | | | | 1753 | | | |
| HR 105 | 1560 | 1614 | 1917 | 1917 | 1947 | 2033 | 2033 | | | 2023<br>2049 |
| HR 106 | 1658 | | | | | | 1658 | | | 1658 |
| HR 107 | 1691 | | | | | | | | | 1803<br>1804 |
| HR 108 | 1679 | | | | | | 1679 | | | |
| HCR 109 | 1690 | | | | | | 1690 | | | |
| HR 110 | 1777 | | | | | | 1803 | | | 1941 |
| HR 111 | 1777 | | | | | | 1801 | | | 1941 |
| HR 112 | 1777 | | | | | | 1803 | | | 1941 |
| HR 113 | 1777 | | | | | | 1780 | | | 1941 |
| HR 114 | 1838 | | | | | | 1876 | | | |
| HR 115 | 1939 | | | | | | 1973 | | | |
| HR 116 | 1900 | | | | | | 1900 | | | |
| HR 117 | 1903 | | | | | | 1903 | | | |
| HR 118 | 1904 | | | | | | 1904 | | | |
| HR 119 | 1902 | | | | | | 1902 | | | |
| HR 120 | 1939 | | | | | | 1939 | | | |
| HR 121 | 1974 | | | | | | 1974 | | | |
| HR 122 | 1972 | | | | | | 1972 | | | 2182 |
| HR 123 | 1975 | | | | | | 1975 | | | |
| HR 124 | 2025 | | | | | | 2046 | | | |
| HR 125 | 2050 | | | | | | | | | |
| HR 126 | 2050 | | | | | | | | | |
| HR 127 | 2050 | | | | | | 2051 | | | |
| HR 128 | 2050 | | | | | | 2055 | | | |
| HR 129 | 2050 | | | | | | | | | |
| HR 130 | 2050 | | | | | | 2185 | | | |
| HR 131 | 2074 | | | | | | 2186 | | | |
| HR 132 | 2074 | | | | | | 2194 | | | |
| HR 133 | 2074 | | | | | | | | | 2194 |
| HR 134 | 2074 | | | | | | 2193 | | | |
| HR 135 | 2074 | | | | | | 2186 | | | |
| HR 136 | 2074 | | | | | | 2195 | | | |
| HR 137 | 2074 | | | | | | | | | |
| HR 138 | 2185 | | | | | | 2185 | | | |
| HR 139 | 2184 | | | | | | 2184 | | | |
| HR 140 | 2184 | | | | | | 2184 | | | |
| HR 141 | 2189 | | | | | | 2190 | | | |
| HR 142 | 2195 | | | | | | 2195 | | | |

## HISTORY OF SENATE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading. Sponsors are indicated on the page of introduction.)

| | | Senate Message | Referred | Reported | | Readings | | Enrolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| SB | 1 | 630 | 662 | 1614 | 1617 | 1728 | 1898 | 1957 | | 1898 | 1254<br>1778<br>2205 |
| SB | 13 | 344 | 349 | 1283 | 1285 | 1428 | 1893 | 2201 | 1285<br>1893 | 1894 | 619<br>1546<br>1775<br>2205 |
| SB | 14 | 1804 | 1835 | 2001 | 2001 | 2025 | 2052 | | 2052 | | 1876<br>1975<br>2048<br>2053 |
| SB | 15 | 40 | 41 | 235 | 237 | 338 | 405 | 408 | | 405 | 137<br>371 |
| SB | 17 | 509 | 606 | 878 | 886 | 1131 | 1393 | 1455 | | 1393 | 889<br>1253 |
| SB | 20 | 176 | 209 | 662 | 664 | 714 | 1146 | 1257 | | 1146 | 349<br>818 |
| SB | 21 | 60 | 65 | 537 | 571 | 619 | 786 | 823 | | 786 | 349<br>631 |
| SB | 23 | 795 | 827 | 1638 | 1645 | 1728 | 1960 | 2206 | 1655 | 1960 | 1547<br>1940<br>2049<br>2205 |
| SB | 25 | 827 | 876 | 1638 | 1655 | 1728 | 2028 | | 2028 | 2028 | 1547<br>1680<br>1940<br>2049 |
| SB | 27 | 1152 | 1273 | 1631 | 1634 | 1728 | 2033 | | | | 1459<br>1876<br>2033 |
| SB | 28 | 344 | 349 | 828 | 865 | 889 | 1262 | 1397 | | 1262 | 792<br>1131 |
| SB | 30 | 1804 | 1835 | 1944 | 1944 | 2025 | 2072 | | 1944 | | 2047<br>2048<br>2101<br>2205 |
| SB | 32 | 827 | 876 | 1721 | 1723 | 1779 | 1966 | 2059 | | 1966 | 1254<br>1940<br>2024 |
| SB | 33 | 83 | 86 | 525 | 531 | 619 | 872 | 1397 | 532 | 872 | 337<br>631<br>2205 |
| SB | 39 | 408 | 414 | | | | | | | | 630 |
| SB | 50 | 662 | 673 | 1402 | 1406 | 1459 | 1896 | 1957 | | 1896 | 900<br>1657<br>1976<br>2049 |
| SB | 56 | 1472 | 1614 | 1971 | 1977 | 2025 | 2067 | 2183 | 1984 | 2068 | 1975<br>2048<br>2055 |
| SB | 58 | 630 | 662 | 1248 | 1248 | 1389 | 1892 | 2201 | 1252 | 1892 | 727<br>1459<br>2205 |
| SB | 60 | 509 | 605 | 674 | 674 | 782 | 1134 | 1257 | | 1134 | 667<br>818<br>1256 |
| SB | 61 | 1901 | 1904 | 1994 | 1994 | 2025 | 2055 | 2081 | | 2056 | 2048 |

| | | Senate Message | Re-ferred | Re-ported | Readings | | | En-rolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| SB | 64 | 251 | 349 | | | | | | | | |
| SB | 65 | 509 | 606 | | | | | | | | 1547 |
| SB | 68 | 105 | 121 | 388 | 391 | 409 | 722 | 790 | | 722 | 225<br>619<br>727 |
| SB | 69 | 40 | 42 | 66 | 67 | 94 | 138 | 250 | 138 | 138 | 62<br>103<br>121<br>165 |
| SB | 70 | 605 | 630 | 1638 | 1656 | 1728 | 1898 | 2201 | 1899 | 1899 | 1680<br>1778<br>2205 |
| SB | 75 | 356 | 382 | 1171 | 1182 | 1389 | 1969 | 2205 | 1185<br>1969 | 1970 | 408<br>1271<br>1428<br>1459<br>1940<br>1975<br>1976<br>2024 |
| SB | 78 | 1152 | 1273 | 1518 | 1520 | 1657 | | | | | 1427<br>1940 |
| SB | 83 | 876 | 903 | | | | | | | | |
| SB | 84 | 662 | 673 | 1402 | 1406 | 1459 | 1895 | 1957 | | 1895 | 900<br>1657 |
| SB | 85 | 344 | 349 | 675 | 679 | 782 | 894 | 1142 | | 894 | 371<br>818<br>1132 |
| SB | 89 | 876 | 903 | 1518 | 1520 | 1657 | 1897 | 2201 | 1521<br>1897<br>1898 | 1898 | 1558<br>1728<br>1775<br>2205 |
| SB | 90 | 903 | 1152 | 1841 | 1841 | 1947 | | | | | 1547 |
| SB | 91 | 208 | 225 | 730 | 730 | 818 | 1135 | 1455 | 1135 | 1135 | 670<br>671<br>783<br>870 |
| SB | 95 | 1152 | 1273 | 1686 | 1686 | 1728 | | | 1688 | | 1427<br>2023 |
| SB | 96 | 795 | 827 | 1526 | 1531 | 1657 | 1954 | 2059 | | 1954 | 900<br>1836<br>1876<br>2049 |
| SB | 98 | 208 | 225 | 796 | 797 | 870 | 1142 | 1257 | | 1142 | 402<br>888 |
| SB | 99 | 208 | 225 | 828 | 866 | 889 | 1262 | 1397 | | 1263 | 792<br>1131 |
| SB | 100 | 349 | 382 | 1097 | 1128 | 1254 | 1463 | 2201 | 1128<br>1463 | 1463 | 630<br>820<br>1389<br>1941 |
| SB | 101 | 349 | 382 | 796 | 797 | 870 | 1263 | 1397 | | 1263 | 630<br>888 |
| SB | 102 | 208 | 225 | 356 | 358 | 403 | 624 | 782 | 624 | 624 | 337<br>403<br>503<br>589 |
| SB | 103 | 903 | 1152 | 1942 | 1943 | 2025 | | | | | 1399 |
| SB | 106 | 605 | 630 | | | | | | | | 726 |
| SB | 110 | 224 | 252 | 1398 | 1398 | 1428 | 1951 | 2183 | 1399 | 1951 | 504<br>1728 |
| SB | 112 | 795 | 827 | 1496 | 1499 | 1657 | | | 1499 | | 900<br>1940 |

| | Senate Message | Re-ferred | Re-ported | | Readings | | En-rolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | |
| SB 113 | 408 | 414 | 868 | 868 | 889 | 1432<br>1462 | 2201 | 869 | 1462 | 630<br>1253<br>1428<br>1941 |
| SB 116 | 344 | 349 | 1408 | 1419 | 1459 | 1894 | 1957 | | 1895 | 602<br>1546<br>2205 |
| SB 117 | 413 | 510 | 684 | 713 | 782 | 1134 | 1257 | | 1134 | 630<br>818 |
| SB 118 | 344 | 349 | 1097 | 1129 | 1254 | 1464 | 2201 | 1129<br>1465 | 1465 | 402<br>1389<br>1390<br>1941 |
| SB 119 | 605 | 630 | 828 | 867 | 889 | 1263 | 1397 | | 1263 | 792<br>1131<br>1271 |
| SB 121 | 630 | 662 | 1358 | 1363 | 1428 | 1896 | 1957 | | 1896 | 818<br>1657<br>2205 |
| SB 122 | 381 | 408 | 750 | 754 | 818 | 1135 | 1257 | | 1135 | 588<br>870<br>1256 |
| SB 126 | 1901 | 1904 | | | | | | | | |
| SB 136 | 630 | 662 | 1998 | 1998 | 2025 | 2057 | 2081 | | 2057 | 1947<br>2048 |
| SB 139 | 605 | 630 | 1402 | 1407 | 1459 | 1900 | | | | 726<br>1657<br>1900 |
| SB 141 | 509 | 605 | 828 | 867 | 889 | 1391 | 1455 | | 1391 | 792<br>1131<br>1271<br>1399 |
| SB 142 | 1671 | 1680 | 1989 | 1989 | 2025 | 2056 | 2081 | | 2056 | 2048 |
| SB 143 | 344 | 349 | | | | | | | | 402 |
| SB 144 | 876 | 903 | 1408 | 1420 | 1459 | 1897 | 1957 | | 1897 | 1254<br>1657<br>2205 |
| SB 145 | 827 | 876 | 1171 | 1185 | 1389 | 1555 | 1671 | | 1555 | 1459 |
| SB 146 | 1804 | 1835 | 1989 | 1992 | 2025 | 2068 | 2183 | 1993<br>2068<br>2069 | 2069 | 2048 |
| SB 147 | 662 | 674 | 1097 | 1130 | 1254 | 2025 | 2205 | 2025<br>2026 | 2026 | 870<br>1389<br>1975<br>2048<br>2049<br>2205 |
| SB 148 | 1273 | 1402 | 1919 | 1919 | 1947 | 2034 | 2059 | | 2034 | 2023<br>2049 |
| SB 149 | 1472 | 1614 | 1919 | 1920 | 1947 | | | | | |
| SB 150 | 408 | 414 | 684 | 713 | 782 | 894<br>1263 | 1397 | | 894<br>1264 | 619<br>818<br>1132 |
| SB 151 | 730 | 795 | 1171 | 1187 | 1389 | 1897 | 1957 | | 1897 | 870<br>1391<br>1657 |
| SB 154 | 1401 | 1456 | 1932 | 1932 | 1947 | 2056 | 2081 | 2056 | 2056 | 1547<br>2048 |
| SB 155 | 730 | 795 | 1273<br>1996 | 1278 | 1428 | 2036 | 2205 | 2036<br>2037 | 2037 | 1133<br>1558<br>1728<br>1975<br>2023<br>2047 |

| | | Senate Message | Re-ferred | Re-ported | | Readings | | En-rolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| SB | 156 | 1671 | 1680 | 1995 | 1995 | 2025 | 2057 | 2081 | | 2057 | 1727<br>2048 |
| SB | 157 | 630 | 662 | 1825 | 1828 | 1876 | 2029 | | 2029 | | 1427<br>1940<br>1941<br>2047<br>2058<br>2059<br>2076 |
| SB | 159 | 509 | 605 | 1194 | 1194 | 1389 | 1554 | 1671 | | 1554 | 667<br>1459 |
| SB | 160 | 630 | 662 | 1194 | 1195 | 1389 | 1554 | 1671 | | 1554 | 870<br>1459 |
| SB | 161 | 876 | 903 | 1592 | 1604 | 1657 | | | 1606 | | 1547<br>1778<br>1947<br>2049 |
| SB | 162 | 730 | 795 | 1194 | 1245 | 1389 | 1555 | 2201 | 1248 | 1555 | 870<br>1459 |
| SB | 166 | 795 | 827 | 1701 | 1706 | 1779 | 1953 | 2059 | | 1953 | 1427<br>1876<br>2049 |
| SB | 167 | 509 | 605 | 828 | 868 | 889 | 1394 | 1455 | | 1394 | 792<br>1253 |
| SB | 168 | 1401 | 1456 | 1985 | 1986 | 2025 | 2060 | 2205 | 2061 | 2061 | 2047<br>2048<br>2059 |
| SB | 169 | 795 | 827 | 1496 | 1500 | 1657 | 1947 | 1971 | | 1947 | 900<br>1778<br>2024<br>2049 |
| SB | 170 | 1401 | 1456 | 1756 | 1762 | 1779 | | | | | 1876<br>1941<br>2048 |
| SB | 171 | 827 | 876 | 1686 | 1688 | 1728 | 1948 | 1971 | | 1948 | 1427<br>1778<br>2024<br>2049 |
| SB | 172 | 630 | 662 | 1701 | 1707 | 1779 | 1961 | | 1961 | 1961 | 1427<br>1836<br>1940 |
| SB | 173 | 630 | 662 | 1825 | 1827 | 1876 | 1961 | 2059 | | 1961 | 1940 |
| SB | 174 | 730 | 795 | 1930 | 1930 | 1947 | 2035 | 2059 | | 2035 | 889<br>2023 |
| SB | 176 | 630 | 662 | 1841 | 1872 | 1947 | 2036 | 2059 | | 2036 | 1547<br>2023<br>2049 |
| SB | 179 | 1401 | 1456 | 2003 | 2003 | 2025 | 2057 | 2081 | | 2057 | 2048 |
| SB | 181 | 413 | 510 | 907 | 914 | 1254 | 1558 | 1671 | | 1558 | 630<br>1389 |
| SB | 184 | 903 | 1152 | 1681 | 1681 | 1728 | 2051 | 2081 | | 2051 | 2023 |
| SB | 185 | 1455 | 1473 | 1692 | 1692 | 1779 | 2027 | 2059 | | 2027 | 1689<br>1876<br>2049 |
| SB | 186 | 730 | 795 | 1841 | 1875 | 1947 | 2036 | 2059 | | 2036 | 1547<br>2023 |
| SB | 187 | 876 | 903 | 1614 | 1620 | 1728 | 1953 | 2059 | | 1953 | 1427<br>1778 |
| SB | 188 | 1455 | 1473 | 1910 | 1910 | 1947 | 2037 | 2205 | 1916<br>2038 | 2038 | 1689<br>1940<br>2023<br>2049 |
| SB | 189 | 674 | 730 | 1332 | 1356 | 1428 | 1895 | 2201 | 1357 | 1895 | 870<br>1546<br>2205 |

| | Senate Message | Re-ferred | Re-ported | Readings | | | En-rolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | | |
| SB 190 | 662 | 674 | 1332 | 1357 | 1428 | 1895 | 1957 | | 1895 | 870<br>1546<br>2205 |
| SB 191 | 1152 | 1273 | 1496 | 1500 | 1657 | 2027 | 2059 | | 2027 | 1428<br>1778<br>2049 |
| SB 193 | 827 | 876 | 1929 | 1929 | 1947 | 2039 | 2059 | | 2039 | 1427<br>2023<br>2047<br>2049 |
| SB 195 | 903 | 1152 | 1701 | 1709 | 1779 | 2038 | 2059 | | 2038 | 1428<br>2023<br>2049 |
| SB 197 | 1892 | 1904 | 2003 | 2005 | 2025 | 2058 | 2206 | 2008<br>2058 | 2058 | 2047<br>2048<br>2701<br>2131 |
| SB 200 | 1553 | 1614 | 1721 | 1724 | 1779 | | | | | 2048 |
| SB 203 | 1439 | 1456 | 1614 | 1622 | 1728 | 1948 | 1971 | | 1948 | 1459<br>1778<br>1976<br>2024<br>2049 |
| SB 208 | | | | | | | | | | 2205 |
| SB 209 | 730 | 795 | | | | | | | | |
| SB 211 | 827 | 876 | 1473 | 1492 | 1657 | 1948 | 2206 | 1948<br>1950 | 1950<br>2189 | 1133<br>1778<br>1941<br>2024<br>2049 |
| SB 212 | 1472 | 1614 | | | | | | | | 1689<br>1938 |
| SB 213 | 827 | 876 | 1701 | 1709 | 1779 | 2027 | 2059 | | 2027 | 1427<br>1876<br>2049 |
| SB 214 | 827 | 876 | 1701 | 1710 | 1779 | 1954 | 2059 | | 1954 | 1427<br>1940<br>1976<br>2024<br>2049 |
| SB 216 | 1152 | 1273 | 1834 | 1834 | 1876 | 2041 | 2059 | | 2041 | 1427<br>1940<br>1975<br>2043<br>2048<br>2049 |
| SB 217 | 1401 | 1456 | | | | | | | | 1947 |
| SB 218 | 1273 | 1402 | 1841 | 1875 | 1947 | | | | | 1547<br>1941 |
| SB 220 | 903 | 1152 | 1697 | 1697 | 1779 | 1954 | 2059 | | 1954 | 1389<br>1876<br>1976<br>2048<br>2049 |
| SB 221 | 1729 | 1755 | | | | | | | | |
| SB 223 | 876 | 903 | 1771 | 1771 | 1779 | 1955 | 2183 | 1772 | 1955 | 1547<br>1876<br>2049 |
| SB 224 | 1401 | 1456 | 1698 | 1700 | 1779 | 1955 | 2059 | | 1955 | 1547<br>1876<br>2049 |
| SB 226 | 903 | 1152 | 1681 | 1683 | 1728 | 1956 | 2201 | 1683 | 1957 | 1389<br>1778<br>1976<br>2049 |

| | Senate Message | Referred | Reported | Readings 1st | 2nd | 3rd | Enrolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|
| SB 230 | 1877 | 1904 | 1945 | 1945 | 2025 | 2058 | 2081 | | 2058 | 2048 |
| SB 231 | 1152 | 1273 | | | | | | | | 1427<br>1680 |
| SB 232 | 1553 | 1614 | | | | | | | | |
| SB 240 | 1804 | 1835 | 1998 | 1999 | 2025 | | | | | 1876 |
| SB 241 | 1729 | 1755 | 1984 | 1984 | 2025 | 2058 | 2081 | | 2059 | 2048 |
| SB 242 | 903 | 1152 | 1681 | 1683 | 1728 | 1957 | 2059 | | 1957 | 1459<br>1778<br>2024<br>2049 |
| SB 243 | 827 | 876 | 1756 | 1763 | 1779 | 1955 | 2059 | | 1955 | 1427<br>1876<br>2049 |
| SB 244 | 1273 | 1402 | 1755 | 1755 | 1779 | 1956 | 2059 | | 1956 | 1547<br>1876<br>2049 |
| SB 246 | 1472 | 1614 | | | | | | | | |
| SB 248 | 1671 | 1680 | 1701<br>1930 | 1710 | 1779 | 1962 | 2206 | 1962 | 1962 | 1876<br>1940<br>1976<br>2048<br>2049 |
| SB 249 | 1671 | 1680 | 1701<br>1930 | 1715 | 1779 | 1962 | 2206 | 1930<br>1962 | 1962<br>2189 | 1876<br>1940<br>1975<br>2048<br>2049<br>2101<br>2131<br>2183 |
| SB 251 | 1553 | 1614 | 2003 | 2019 | 2025 | | | | | |
| SB 253 | 1152 | 1273 | 1985 | 1988 | 2025 | 2070 | 2206 | 2070 | 2070 | 1427<br>1940<br>1975<br>2048 |
| SB 254 | 1401 | 1456 | 1777<br>1995 | 1777 | 1876 | 2059 | 2201 | 1995<br>2060 | 2060 | 1459<br>1940<br>1975<br>2048<br>2055 |
| SB 256 | 1401 | 1456 | 1692 | 1693 | 1779 | 1966 | 2205 | 1694<br>1966 | 1966 | 1689<br>1775<br>1876<br>1946<br>1976<br>2024<br>2049 |
| SB 258 | 1401 | 1456 | 1614 | 1629 | 1728 | 1957 | 2059 | | 1957 | 1459<br>1778<br>2049 |
| SB 261 | 1553 | 1614 | 1934 | 1934 | 1947 | 2038 | 2059 | | 2038 | 2023 |
| SB 262 | 1439 | 1456 | 1756 | 1764 | 1779 | 2028 | 2059 | | 2028 | 1547<br>1876<br>2049 |
| SB 263 | 1671 | 1680 | 1831 | 1832 | 1876 | 1963 | 2059 | | 1963 | 1784<br>1940 |
| SB 264 | 1439 | 1456 | 1805 | 1811 | 1876 | 1963 | 2059 | | 1963 | 1689<br>1940 |
| SB 265 | 1729 | 1755 | | | | | | | | |
| SB 266 | 1472 | 1614 | 1919 | 1921 | 1947 | 2039 | 2059 | | 2039 | 1689<br>2023<br>2049 |
| SB 267 | 1472 | 1614 | 1919 | 1923 | 1947 | 2039 | 2059 | | 2039 | 1689<br>2023<br>2049 |

| | Senate Message | Re-ferred | Re-ported | Readings 1st | Readings 2nd | Readings 3rd | En-rolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|
| SB 268 | 1553 | 1614 | 1919 | 1926 | 1947 | 2044 | 2059 | | 2044 | 2023 |
| SB 269 | 1472 | 1614 | 1919 | 1927 | 1947 | 2040 | 2059 | | 2040 | 1689<br>2023<br>2049<br>2205 |
| SB 270 | 1892 | 1904 | 2003 | 2019 | 2025 | 2060 | 2081 | | 2060 | 2048 |
| SB 271 | 1892 | 1904 | 2003 | 2020 | 2025 | 2062 | 2081 | | 2062 | 2047<br>2048 |
| SB 273 | 1671 | 1680 | 2001 | 2003 | 2025 | 2053 | 2205 | 2003<br>2053 | 2054 | 1775<br>1976<br>2048<br>2055 |
| SB 274 | 1753 | 1755 | 1918 | 1918 | 1947 | 2035 | 2059 | | 2035 | 1779<br>2023<br>2049 |
| SB 275 | 1455 | 1473 | 1932 | 1933 | 1947 | 2040 | 2059 | | 2040 | 2023<br>2048<br>2049 |
| SB 276 | 903 | 1152 | 1518 | 1522 | 1657 | 1951 | 1971 | | 1951 | 1399<br>1778<br>2048<br>2049 |
| SB 277 | 1439 | 1456 | 1614 | 1629 | 1728 | 1952 | 2201 | 1952 | 1952 | 1459<br>1775<br>1778<br>2049 |
| SB 279 | 1439 | 1456 | 1614 | 1630 | 1728 | 1952 | 2059 | | 1952 | 1459<br>1778<br>2049 |
| SB 283 | 1472 | 1614 | 1998 | 2000 | 2025 | 2060 | 2081 | | 2060 | 1775<br>2048 |
| SB 285 | 1804 | 1835 | | | | | | | | |
| SB 286 | 1671 | 1680 | | | | | | | | |
| SB 288 | 1472 | 1614 | 1993 | 1993 | 2025 | | | 1993 | | 1775 |
| SB 290 | 1804 | 1835 | 1917 | 1917 | 1947 | 2041 | 2059 | | 2041 | 1876<br>2023<br>2049 |
| SB 292 | 1804 | 1835 | | | | | | | | 1876 |
| SB 294 | 1439 | 1456 | 1905 | 1905 | 1947 | 2044 | 2205 | 1905 | 2045 | 2023 |
| SB 295 | 1753 | 1805 | 1996 | 1996 | 2025 | 2062 | 2183 | | 2071 | 2048<br>2062<br>2071<br>2205 |
| SB 296 | 1439 | 1456 | 1692 | 1694 | 1779 | 1956 | 2059 | | 1956 | 1689<br>1876 |
| SB 297 | 1472 | 1614 | 1805 | 1811 | 1876 | 1964 | 2205 | 1964 | 1964 | 1689<br>1775<br>1940<br>2049 |
| SB 298 | 1455 | 1473 | 1840 | 1840 | 1947 | 2041 | 2059 | | 2041 | 1612<br>2023<br>2049 |
| SB 299 | 1439 | 1456 | 1756 | 1765 | 1779 | 1956 | 2059 | | 1956 | 1547<br>1876 |
| SB 306 | 1472 | 1614 | | | | | | | | |
| SB 307 | 1472 | 1614 | 1805 | 1813 | 1876 | 1964 | 2059 | | 1964 | 1940 |
| SB 308 | 1804 | 1835 | | | | | | | | |
| SB 309 | 1729 | 1755 | 1934 | 1935 | 1947 | 2041 | 2205 | 1938 | 2042 | 2023<br>2047 |
| SB 314 | 1804 | 1835 | | | | | | | | |
| SB 316 | 1455 | 1473 | 1692 | 1695 | 1779 | 1959 | 2059 | | 1959 | 1689<br>1876 |
| SB 317 | 1455 | 1473 | | | | | | | | 1689 |
| SB 320 | 1671 | 1680 | 1777 | 1777 | 1876 | 1965 | 2059 | | 1965 | 1727<br>1940 |

| | | Senate Message | Referred | Reported | | Readings | | Enrolled | Sub. or Amend | Voting | Other Action |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1st | 2nd | 3rd | | | | |
| SB | 327 | 1553 | 1614 | 1942 | 1942 | 2025 | 2062 | 2205 | 2062 | 2063 | 1938<br>1976<br>2048 |
| SB | 329 | 1401 | 1456 | 1533 | 1544 | 1657 | 1953 | 2059 | | 1953 | 1459<br>1778 |
| SB | 330 | 1729 | 1755 | 1777 | 1778 | 1876 | 1965 | 2201 | 1965 | 1965 | 1836<br>1940 |
| SB | 336 | 1401 | 1456 | | | | | | | | 1459<br>2183 |
| SB | 337 | 1439 | 1456 | 1756 | 1765 | 1779 | 1958 | 2059 | | 1958 | 1657 |
| SB | 339 | 1439 | 1456 | 1755 | 1756 | 1779 | 1958 | 2059 | | 1958 | 1775<br>1876 |
| SB | 340 | 1553 | 1614 | | | | | | | | |
| SB | 341 | 1439 | 1456 | 1905 | 1905 | 1947 | | | 1907 | | |
| SB | 342 | 1439 | 1456 | 1756 | 1765 | 1779 | 1958 | 2059 | | 1958 | 1547<br>1876 |
| SB | 343 | 1729 | 1835 | | | | | | | | |
| SB | 344 | 1439 | 1456 | 1756 | 1766 | 1779 | 1959 | 2059 | | 1959 | 1547<br>1876 |
| SB | 346 | 1472 | 1614 | 1805 | 1813 | 1876 | 1965 | 2059 | | 1965 | 1689<br>1940 |
| SB | 347 | 1455 | 1473 | 1905 | 1908 | 1947 | 2042 | 2183 | 1908<br>2042 | 2043 | 1689<br>1976<br>2023<br>2048 |
| SB | 349 | 1804 | 1835 | 1993 | 1994 | 2025 | | | 1994 | | 1876<br>1940 |
| SB | 352 | 1472 | 1614 | 1917 | 1917 | 1947 | 2043 | 2059 | | 2043 | 1775<br>2023 |
| SB | 354 | 1901 | 1904 | 1942 | 1943 | 2025 | 2063 | 2183 | | 2063 | 2048 |
| SB | 355 | 1553 | 1614 | 1756 | 1768 | 1779 | 1959 | 2059 | | 1959 | 1876 |
| SB | 356 | 1553 | 1614 | 1756 | 1771 | 1779 | 1959 | 2059 | | 1960 | 1876 |
| SB | 357 | 1753 | 1804 | 1825 | 1825 | 1876 | 1966 | 2059 | | 1967 | 1940<br>2024 |
| SB | 358 | 1553 | 1614 | 1919 | 1927 | 1947 | 2043 | 2059 | | 2043 | 2023 |
| SB | 359 | 1671 | 1680 | 1838<br>1909 | 1838 | 1947 | 2064 | 2183 | 1839<br>1909<br>2064 | 2065 | 1727<br>1892<br>1940<br>1976<br>2048 |
| SB | 362 | 1472 | 1614 | 1805<br>2047 | 1805 | 1876 | 2065 | 2206 | 1807<br>2066<br>2067<br>2198 | 2067<br>2199 | 1657<br>1689<br>1775<br>1836<br>1940<br>1976<br>2047<br>2048<br>2189 |
| SB | 363 | 1671 | 1680 | 1825 | 1828 | 1876 | 1967 | 2059 | | 1967 | 1775<br>1940<br>2024 |
| SB | 364 | 1472 | 1614 | 1918 | 1918 | 1947 | 2034 | 2059 | | 2035 | 1779<br>1785<br>2023 |
| SB | 367 | 1729 | 1755 | 1805 | 1824 | 1876 | | 2059 | | | 1779<br>1940 |
| SB | 369 | 1671 | 1680 | 1838 | 1838 | 1947 | 2044 | 2206 | 1838<br>2044 | 2044 | 1727<br>1940<br>2023 |
| SB | 375 | 1901 | 1904 | 2047 | 2047 | 2052 | | | | | |
| SB | 381 | 1753 | 1805 | | | | | | | | |
| SB | 383 | 1804 | 1835 | | | | | | | | |

# HISTORY OF SENATE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated SJR; concurrent resolutions are designated HCR.)

| | Senate Message | Re-ferred | Re-ported | | Readings | | Adopted | En-rolled | Other Action |
|---|---|---|---|---|---|---|---|---|---|
| | | | | 1st | 2nd | 3rd | | | |
| SCR 1 | 105 | 121 | 1831 | 1833 | 1876 | 1967 | 1967 | 2059 | 402<br>1940<br>2024 |
| SCR 6 | 105 | 121 | 796 | 796 | 870 | 1143 | 1143 | 1257 | 402<br>888 |
| SJR 11 | 381 | 408 | 1402 | 1407 | 1459 | 2026 | 2026 | 2059 | 1657<br>2049 |
| SJR 13 | 1455 | 1473 | 1985 | 1988 | 2025 | 2067 | 2067 | 2081 | |
| SCR 14 | 137 | 673 | 1402 | 1408 | 1459 | 1951 | 1951 | 1971 | 726<br>1546<br>1976<br>2049 |
| SCR 17 | 141 | 252 | 444 | 446 | 589 | 722 | 722 | 790 | 402<br>619 |
| SJR 22 | 827 | 876 | 1977 | 1984 | 2025 | | | | 1427 |
| SCR 23 | 674 | 730 | 1188 | 1193 | 1389 | 1893 | 1893 | 1957 | 870<br>1459 |
| SJR 25 | 795 | 827 | 1905 | 1907 | 1947 | | | | |
| SJR 38 | 1472 | 1614 | | | | | | | |
| SJR 41 | 1901 | 1904 | 2003 | 2025 | 2067 | 2067 | 2183 | | |
| SJR 43 | 1671 | 1680 | 2003 | 2022 | 2025 | | | | |
| SCR 49 | 1553 | 1614 | 1831 | 1834 | 1876 | 1869 | 1968 | 2059 | 1940<br>2024 |
| SCR 83 | 2205 | | | | | | 2206 | | |

# INDEX

**ACCOUNTANTS**
Licensure, revision of procedures–HB 29
Registration of Public Accountants–HB 258
Use by State Auditor as independent contractors–HB 643

**ACKERSON, JON W.**
HR 5, 6, 13, 23, 24, 34, 40, 41, 50, 53, 106, 122; HB 68, 85, 87, 116, 128, 168, 187, 193, 195, 196, 198, 225, 241, 261, 264, 270, 276, 303, 328, 333, 413, 466, 476, 504, 505, 506, 507, 515, 516, 555, 575, 576, 580, 596, 617, 662, 717, 718, 721, 732, 755, 778, 799

**ADAMS, ALBERT SIDNEY**
HR 13, 37, 53, 57, 63, 95, 106; HB 76, 77, 241, 254, 464, 477, 493, 578, 601, 732, 744, 793

**ADAMS, BUDDY H.**
HR 13, 37, 44, 63, 78, 81, 87, 91, 97, 106; HB 172, 173, 188, 201, 202, 269, 369, 392, 452, 485, 493, 502, 528, 724, 732, 752, 780, 838

**ADMINISTRATIVE REGULATIONS AND PROCEEDINGS**
Adjudicatory Proceedings–HB 137
Consumer economic impact statement–HB 607
Definition of regulation–HB 498
Economic impact statements–HB 860
Federal agency regulations–HCR 14
Filing and review requirements–SB 210
Public and private restrictiveness–HB 442
Relocation assistance appeals–SB 100
Strip mine permit suspension hearing–HB 744

**ADVERTISING**
Billboard preservation–HR 142
Eyeglasses–HB 577
Help wanted ads, employer identity–HB 612
Highways, restrictions near–HB 570

**AERONATUICS**
Airport permits, application fees for–HB 573
Airport security personnel, peace officer status–HB 518
Airport zoning commission administrator–HB 573
Alcoholic beverages, sales and transportation by airlines–HB 301
Approach zone deletion from definition–HB 560
Charter permit requirements–HB 567
Civil Air Patrol, appropriation–HB 158
Community air service, reimbursement for development of–HB 562
Local air board membership–HB 399
Safety and security departments–HB 572

**AGED PERSONS**
Electricity, residential, sales tax exemption–HB 730
Family care home, number of residents permitted–HB 294
Hearing aid sales–HB 824
Homestead exemption definition–HB 569
In-home services for elderly–SB 347
Medical assistance, provision of dentures–HB 464
Office of Geriatrics-Gerontology, establishment of–HB 466
Protection of adults–SB 230
Rent subsidies–HB 184
Transportation on school buses–HB 343
University enrollment, free tuition–HB 590

**AGRICULTURE**
Abandoned animals–SB 144; HB 541
AFL-CIO, member on state fair board–HB 546
Agricultural land, taxation–SB 1
Agricultural workers, definition for minimum wage–HB 373
Audits of cooperatives–HB 357
Beef imports limitation–HR 44
Blackbirds, control–HR 29
Burley tobacco assessment referendum–SB 316
Burley tobacco, increase tariff–SCR 6
District cooperative extension education tax, maximum yield per county–HB 605
Fairs, promotion of local–HB 579
Family farms–HB 160
Farm Development Authority repeal–HB 579
Farmland, inheritance tax–HB 502

**AGRICULTURE (Cont'd)**
FFA, commending–HR 30
Hunting and fishing on private property–HB 179
Johnson grass control–HB 319
Livestock dealers licensure–SB 256
Livestock liens–HB 1
Livestock supplies, exemption from sales tax–HB 173
Machinery parts, exemption from sales tax–HB 172
Pest control–HB 62
Rabies control–SB 172
Rabies vaccine sales–HB 725
Securities of agricultural cooperatives–SB 102
Seeds, labeling–HB 362
Thistle control–HB 321

**ALCOHOLIC BEVERAGES**
Airlines, sales and transportation by–HB 301
Federal excise tax rebate–HCR 70
Hours of sale, cities of 4th–SB 231
Malt beverage excise tax credit–HB 17
Malt beverage license fees–HB 788
Minors, hiring by licensees–HB 756
Sales by the drink, cities of 4th–HB 231
Small winery license–HB 368
Tax revenue sharing–HB 528
Wholesale container size limit–HB 787

**ALLEN, JAMES "JITTER"**
HR 13, 53, 63, 88, 106; HB 500, 616, 654, 732, 784

**ALLEN, WILLARD C.**
HR 23, 53, 63, 106; HB 68, 74, 77, 78, 160, 168, 241, 269, 308, 309, 320, 493, 516, 601, 666, 732

**AMUSEMENTS**
Pinball machines, coins for–HB 772

**ANNEXATION**
Application uniformity–HB 449
Edgewood by Covington–HJR 84
Industrial sites–HB 43
One city by another–HB 821
Ordinance reversal–HB 813
Procedures and remonstration–HB 491
Procedures by cities–HB 56
Referendum on–HB 66

**APPROPRIATIONS**
Area Development Fund–HB 675
Bicentennial Oral History Commission–HB 759
Board of Ethics–SB 369
Children's regional deaf education services–HB 68
Civil Air Patrol–HB 158
Claims, payment of–HB 695
Coal county development fund–HB 578
Coal producing county development fund–HB 511
Coal Severance Economic Aid Fund–HB 674
Consumer education evaluation–HJR 73
Council on Education in Kentucky–HB 69
Education, Department of, career education–HB 70
Educational accountability–HJR 76; HB 330
Educational Opportunity Fund–HB 827
Elementary and secondary education, private tuition grants–HB 710
Enviroeconomic Council–HB 139
Executive Budget–HB 374
Fairs, local, support of–HB 579
General Assembly compensation increments–HB 146
Housing Rehabilitation Loan Fund–HB 35
Internal Security Committee–HJR 46
Kentucky School Employment Relations Commission, creation of–SB 200
Land Conservation and Development Commission–SB 14
Legislative budget–SB 359
Legislative Research Commission, session expenses–HJR 12
Medical residency positions–SB 28
Military service credit for state retirement–HB 415
Motor vehicle license plates, personalized–SB 223
Motor vehicle registration automation–HB 87

**APPROPRIATIONS (Cont'd)**
Municipal Statute Revision Commission–HB 57
National Guard Educational Fund–SB 141
Nature Preserves Commission–SB 155
Neonatal Intensive Care Unit, increase capacity–HB 613
Office of Geriatrics-Gerontology–HB 466
Outreach programs–HB 376
Perryville, Kentucky Historic Township Commission–HB 834
Personnel practices study–HJR 27
Prior year lapse–SB 99
Public assistance employment, subcommittee on–HJR 95
Public employe bargaining–HB 300
Public transit authorities–HB 31
Radioactive waste disposal study–HJR 100
Rock quarry regulation–HB 120
Short term general assistance study–HB 81
State employes, bi-weekly pay–HB 723
State officials, compensation increment–HB 558
State tax revenue sharing with counties–HB 316
Sewer and waste water management–HB 551
Teachers Retirement System–HB 492
Year-round school, funding–HB 653

**ARCHITECTS**
Public buildings–HB 801

**ARCHIVES AND RECORDS**
Commission membership increment–HB 288
General Assembly Acts and Journals–HB 147

**ARNOLD, ADRIAN**
HR 13, 30, 44, 53, 63, 77, 106, 116; HB 172, 173, 193, 269, 373, 392, 422, 451, 493, 547, 579, 587, 661, 732, 792, 793, 812

**ASSOCIATIONS**
Private, duplicate inspections and conflicting standards prohibited–SB 17

**ATHLETICS**
Paul S. Blazer High School football–HR 127
Richards, Jim–HR 91
St. Xavier Tigers–HR 113
State basketball tournament site–HR 129
UK, U of L athletic contests–HJR 38, HR 120
UK basketball commendation–HR 138
WKU football team honored–HR 81

**ATTORNEY, COMMONWEALTH**
Additional personnel for–HB 632
Assistants and detectives, number of–HB 524
Criminal records request requirement–HB 274
District detectives, number of–HB 768
Speedy trial, requirement of–HB 596

**ATTORNEY GENERAL**
Defense of state employes–HB 761
Division of Natural Resources and Environmental Law–HB 830
Duplicate inspections and conflicting standards, elimination of–SB 17
State boards, membership on–SB 355

**ATTORNEYS**
Confined needy, defense of–HB 845
Fees in civil action–HB 356
Judicial Articles revision concerning–SB 159; HB 433
Licensure of–HB 846
Municipal attorney, city of 3rd, selection of–HB 822
Public defender, affidavit by indigents–HB 370
Reasonable fee definition–HB 857
Specialization board–HCR 19
Workmen's Compensation, fee regulation–HB 329

**AUDITS AND AUDITORS**
Elected county officials' accounts, uniform standards for audits of–HB 67
Fiscal court officers–HB 202
Independent contractors, use of by State Auditor–HB 643
Municipal audit summary publication–HB 41
State auditor, costs of audit by–HB 350

**BANKS AND FINANCIAL INSTITUTIONS**
Articles of inspection, commissioner's approval appeal–HB 213
Bank of Kentucky–HB 735
Branch bank, creation order appeal–HB 213
Credit reports, dissemination–HB 155
Examination fees–SB 169
Investments–SB 136
Lien against livestock or grain–HB 1
Petty loans, charges and maximum amount–HB 408
Presumption of abandonment of certain property–HB 365
Property tax payment acceptance–HB 752
Prudential depositors, state reimbursement of–HB 609
Savings and loan associations as state depositories–SB 355; HB 782
Savings and loan association as trustees–HB 521
Savings and loan, local license tax on–HB 749

**BARBERS AND COSMETOLOGISTS**
Barbers, denial of license for felony conviction–HB 27
Barbers, increase annual license fees–SB 151; HB 21
Permanent waves, application of–HB 634
Practicing together in same shop–HB 680

**BELL, SARA**
Elected Chief Clerk, page 9

**BENDL, GERTA**
HR 40, 41, 53, 63, 67, 75, 106, 122; HB 136, 202, 241, 264, 269, 276, 292, 391, 395, 407, 444, 464, 466, 500, 504, 506, 507, 546, 574, 575, 576, 597, 624, 648, 662, 689, 732, 755, 799, 810, 811, 832, 853

**BENNETT, AL**
HR 6, 13, 23, 38, 41, 53, 63, 92, 106, 122; HB 65, 68, 102, 109, 110, 111, 112, 121, 129, 136, 168, 187, 191, 193, 202, 229, 264, 269, 276, 292, 300, 303, 307, 341, 352, 363, 407, 505, 516, 533, 546, 555, 599, 601, 603, 604, 648, 662, 732, 748, 755, 777, 799

**BENSON, BOB**
HR 38, 40, 41, 43, 53, 63, 67, 94, 106, 122, 127, 130; HB 31, 38, 42, 45, 47, 50, 55, 57, 59, 60, 61, 62, 64, 89, 90, 91, 94, 95, 97, 98, 99, 136, 143, 201, 224, 236, 269, 276, 292, 330, 349, 354, 368, 377, 389, 407, 466, 524, 525, 526, 527, 546, 555, 574, 575, 576, 584, 587, 596, 597, 599, 617, 632, 662, 691, 692, 717, 726, 732, 742, 753, 755, 805, 810, 811, 822

**BESHEAR, STEVEN L.**
HR 63, 106, 120, 138; HB 4, 5, 8, 34, 35, 93, 94, 136, 138, 201, 209, 222, 248, 249, 252, 254, 269, 271, 325, 329, 388, 420, 423, 424, 425, 488, 489, 501, 517, 538, 551, 569, 613, 712, 726, 743, 755

**BEVINS, GLENNA A.**
HR 13, 24, 40, 53, 63, 106, 120, 138; HB 136, 201, 237, 241, 269, 384, 444, 500, 522, 597, 705, 732, 755

**BLAIR, W. D. "DOC"**
HR 46, 53, 62, 63, 106, 128; HB 136, 195, 197, 232, 254, 269, 328, 368, 417, 427, 428, 464, 484, 493, 500, 511, 547, 578, 601, 732, 744, 755

**BLANDFORD, DONALD J.**
HR 13, 37, 44, 53, 56, 62, 63, 106, 142; HB 1, 136, 236, 257, 264, 269, 339, 362, 373, 396, 402, 428, 473, 477, 493, 547, 579, 605, 732, 734, 749, 755

**BLIND OR DEAF PERSONS**
Commission for the Blind, creation of–HB 437
Hearing aid specialists, licensure of–HB 371
Protection of adults–SB 230
Schools for, transportation of pupils–HB 71
Sheltered workshops, state purchasing preference–HB 623

**BLUME, NORBERT**
HR 38, 40, 41, 48, 53, 104, 106, 111, 120, 122; HB 142, 169, 191, 201, 224, 283, 300, 316, 346, 354, 389, 395, 406, 407, 413, 452, 500, 545, 546, 554, 558, 649, 650, 662, 706, 707, 732, 800

**BLYTHE, E. BRUCE**
HR 13, 53, 63, 67, 106, 122, 137; HB 61, 81, 136, 181, 182, 220, 225, 236, 246, 247, 264, 269, 276, 359, 407, 408, 466, 473, 484, 537, 574, 575, 576, 597, 599, 624, 662, 799, 841,

**BOATWRIGHT, J. W.**
HR 7, 23, 30, 37, 53, 63, 106; HB 207, 220, 221, 254, 417, 418, 447, 469, 493, 516, 594, 595, 656, 755, 799

**BONDS OF SURETY**
Bail bond business prohibition–HB 254
Insurance agents–HB 227
Peace bonds–HB 479

**BONDS, PUBLIC**
Industrial buildings for cities and counties–SB 362
Municipal indebtedness proposals–HB 50
Municipal issues for natural gas systems–HB 475
Revenue issues, General Assembly approval–HB 5
State bonds, alternative method of issuance–SB 336
Viet Nam veteran's bonus–HB 767

**BRINKLEY, WILLIAM T.**
HR 13, 23, 28, 44, 53, 63, 88, 106; HB 68, 150, 166, 168, 193, 220, 221, 291, 447, 493, 515, 516, 587, 654, 721, 762, 778, 799

**BROWN, RAY O.**
HR 13, 14, 46, 53, 63, 106, 132; HB 70, 78, 103, 105, 193, 220, 241, 269, 284, 285, 286, 298, 306, 317, 319, 321, 333, 392, 396, 421, 450, 491, 493, 611, 730, 732, 754, 755

**BRUCE, JAMES E.**
HR 13, 29, 35, 44, 63, 106, 134; HB 136, 138, 148, 150, 172, 173, 191, 193, 291, 307, 341, 378, 441, 473, 483, 484, 490, 493, 502, 592, 600, 732, 755, 795, 809, 847,

**BUDGET AND FINANCIAL ADMINISTRATION**
Appropriations lapse–SB 99
Biennial budget requests, submission dates and information required–HB 743
Biennial budget terms, defined–HB 743
Bidding, minimum amount–HB 11
Commission on Government Finance–HB 388
Executive Budget–HB 374
Fixed daily expense allowance for state employes–SB 171
Funds of professional licensing boards, transfer to general fund–HB 280
General Assembly bills, fiscal analysis requirement–HB 8
Insurance examination revolving fund–HB 210
Model Procurement Code study–HJR 93, HR 136
Program status reports, information required–HB 743
Purchases Manager–HB 12
Revenue bonds, General Assembly approval–HB 5, 86
Savings and loan associations as state depositories–HB 782
Small business purchasing act–HB 737
State audits, inter-accounting for–HB 350
State bonds, alternative method of issuance–SB 336
State employes, unclaimed savings bond contribution–HB 826
Treasurer, daily receipts report–HB 825

**BURCH, FRED IV**
Elected Page, page 9

**BURCH, STEWART**
Elected Page, page 9

**BURNETTE, WARD**
HR 7, 13, 14, 23, 30, 31, 34, 37, 44, 46, 53, 63, 65, 106, 110, 129; HB 13, 68, 148, 160, 168, 172, 193, 220, 221, 269, 273, 307, 309, 332, 333, 391, 402, 416, 417, 418, 447, 473, 474, 493, 511, 516, 517, 587, 603, 604, 655, 656, 749, 754, 755

**CAMPAIGN PRACTICES**
Campaign treasurers, naming of–SB 15
Corrupt practices act, omnibus revision–HB 448
Filing papers, certification of–HB 79
Finances, bank depository requirement–HB 234
Patronage funds–HB 513
Political activities of state employes–HB 487
Political contribution check-off on income tax return–SB 254
Registry of Election Finance, abolishment of–HB 223
Report filing exemption–HB 402

**CAPITAL CONSTRUCTION**
Area Development Fund–HB 675
State project bidding–HB 777

**CARPENTER, JOHN**
HR 13, 46, 63, 106, 114; HB 136, 256, 306, 341, 345, 368, 416, 417, 493, 662, 730, 755, 799

**CEMETERIES AND BURIALS**
Funeral merchandise, definition of–HB 162
Indigents, funeral expense allowance–HB 461
Pioneer family graveyard preservation–SB 320
Registration Department of Banking and Securities–HB 485
Sales tax exemption–HB 684
Tombstones and grave markers, sales tax exemption–HB 447
Transportation Department maintenance–HB 409

**CHARITABLE INSTITUTIONS**
Historic site organizations–HB 583
Management of institutional funds–HB 24
Nonprofit corporation, articles requirements–HB 26
Solicitation of funds, retainage limit–SB 367
Workmen's compensation exemption–HB 418

**CHILDREN AND MINORS**
Abused and neglected–HB 691
Achievement, low level, study concerning–HJR 71
Adoption consent filing–HB 289
Adoption proceedings, residence requirement–HB 733
AFDC, Suitable Home Law, repeal–SB 174
Alcoholic beverage employment of minors–HB 756
Birth certificates, issuance to adoptive children–SB 166
Care centers, safety standards drafting–HB 489
Care centers, safety standards publication–HB 488
Child abuse, reporting and penalties–SB 197
Child charged with offense, release–SB 21
Child labor–HB 125
Child support–HB 89
Compulsory school attendance exemption–HB 505
Custody, jurisdiction–HB 261
Day treatment center, school district services to–SB 173
Detention for crimes–HB 243
Elementary school, Lord's prayer and pledge of allegiance in–HB 333
Employment of youth, urge legislation for–HCR 67
Exemption from truancy for transported students–SB 139
Exceptional, contractual services for–HB 163
Exceptional, definition of–HB 237
Exceptional, home bound instruction–HB 164
Exceptional pupils, right to instruction–HR 60
Exceptional, regional deaf education services–HB 68
Federal Child and Family Service Act, disapproval of–HR 62
Flagrant nonsupport of children–HB 760
Grandparents, visitation rights–HB 378
Juvenile court, when jury trial authorized–HB 219
Juvenile courts, judge to set punishment–HB 472
Juvenile offenders–HB 293, 762
Juvenile offenders, age and commitment–HB 291
Juvenile offenses and court proceedings–HB 587
Kindergarten programs study–HR 124
Kindergarten, readiness, and first grade students exempt from 6 hour school day–HB 705
Marriage, age of–HB 188
Needs, study committee on–HR 40
Neonatal Intensive Care Unit, appropriations for–HB 613
Newborn, health insurance coverage–SB 60; HB 209
Out of wedlock children, limit aid to–HB 332
Out-of-wedlock, public assistance for–HB 309
Parents' liability for assaults–HB 305
Parental rights, involuntary termination–HB 715
Parental rights, termination of–HB 99
Property damages, parents' liability–HB 218
Public school pupils, use of corporal punishment on–HB 171
Rubella immunization prior to school entrance–HB 72
School accident insurance for–HB 804
Sudden infant death prevention program–HB 226
Tuberculosis, testing for–HB 80
Unborn, civil rights amendment–HCR 68
Uniform Reciprocal Enforcement of Support Act–HB 765
Voluntary termination of parental rights–HB 692

**CITATIONS, LEGISLATIVE**
Afro-American Week, page 350
Amberg, Barbara, page 338
Biggs, Dr. William, page 2050
Bolin, Daniel Lynn, page 655
Bowling Green, City of, page 200
Brandenburg citizens, page 1974
Breckinridge County Tigers, page 2046
Bullitt Central High School Speech Club, page 1256
Carrollton, City of, page 221
Central City, City of, page 200
Clark County Soil Conservation Team, page 1802
Clark, William, page 2050
Clinton County Kiwanis Club, page 784
Cole, Celia, page 1975
Coots, Mrs. Anne, page 1132
Covington Catholic High School, page 338
DuVall, Beulah, page 2192
Edmonson County High School basketball, page 2187
Elizabethtown, City of, page 206
Feldbaum, Alan Bruce, page 2192
Fern Creek High School Drill Corps, page 820
Floyd County Emergency and Rescue Squad, page 889
Fulton, City of, page 338
Fulton County Chamber of Commerce, page 338
Geaslen, Chester, page 166
George Rogers Clark High School band, page 350
Gorman, William D., page 2046
Grant County High School Youth Assembly, page 1558
Green County High School basketball, page 1877
Green, George R., page 504
Greenwade, Sheila Marie, page 1804
Hill, Tina, page 1390
Jefferson County Prep Band, page 372
Jefferson County Students Rights Committee, page 1974
Jolley, John, page 1558
Kimchi, Yaniv, page 2055
Lewisburg Rangers Boys' Basketball Team, page 1801
Louisa-Fort Gay Bridge Action Group, page 1754
Ludlow High School football, page 783
Meade County citizens, page 1974
Meade County girls' basketball team, page 2046
Montgomery County Horse Judging Team, page 1430
Monticello, City of, page 206
Morgan, Paula H., page 350
Newport High School, page 656
Olmstead Ramblers Girls' Basketball Team, page 1801
Paintsville High School students, page 1462
Patterson, Tammy, page 350
Pike County Maintenance Crew, page 1133
Pikeville College basketball, page 1390
Prestonsburg, City of, page 350
Providence, City of, page 200
Rickard, Fred W. and Nancy Clay, page 656
Rudd, May T., page 2193
Russellville High School Speech and Drama Club, page 1901
Ryan, D. A., page 1901
Scoggin, Della, page 2183
Scott County football and Coach Bill Wilson, page 108
Siler, Eugene E., Jr., page 96
Smith, Paula, page 1802
Surface, Mary Hall, page 246
Warren Central High School cheerleaders, page 2192
Warsaw, City of, page 221
Western Kentucky University basketball, page 1256
Willoweise of Irvington, page 347
Zalk, Miri, page 2055

**CITIES, CLASSIFICATION**
Audubon Park–SB 181
Bloomfield–HB 358
Census copy requirement–HB 55
Clay–HB 190
Douglass Hills–HB 387
Hillview–HB 631
Monticello–HB 802
Oak Grove–SB 226
Prospect–SB 85
Sebree–HB 18

**CITIES - GENERALLY**
Alcoholic beverage tax revenue sharing–HB 528
Annexation–HB 43, 56, 66
Annexation of one city by another–HB 821
Annexation ordinance reversal–HB 813
Annexation, procedures and remonstration–HB 491
Annexation procedures, uniformity–HB 449
Assessor, election and term–HB 60
Betsy, map recognition–HCR 74
Bonded indebtedness proposals–HB 50
Budgeting and financial impact of legislation–HB 51
Charter dissolution–HB 52
City attorney's assistance in consumer protection cases–HB 742
Closing public offices–HB 355 Condemnation actions–HB 290
Department for Local Government–HB 58
Dilapidated housing, procedures for enforced repair or demolition of–HB 377
Disaster services by–HB 64
Duplicate inspections and conflicting standards prohibited–SB 17
Edgewood, annexation by Covington–HJR 84
Employes retirement study–HR 104
Employes' option for health maintenance organization coverage–HB 37
Expense account, lump sum designation–HB 46
Fairdale–HB 823
Financial statement summary publication–HB 41
Firehouse maintenance by firemen–HB 672
Firemen's pay supplement and training–HB 619
Gas systems, industrial revenue bonds for–HB 475
Gasoline tax revenue for streets and roads–HB 54, 553
Historic areas preservation–HB 63
Home rule–HB 40
Homesteading enabling act for housing rehabilitation–HB 34
Hospitalization benefits for retired employes–HB 552
Incorporation and general powers–HB 59
Industrial revenue bonds, definition of–SB 362
Legislative bodies, election of–HB 527
License tax, exemption for military reserve–HB 181
License tax on savings and loans–HB 749
Maple Mount community on maps–SCR 17
Mayors, compensation of–HB 809
Municipal hospitals, liability from suit–HB 462
Municipal Statute Revision Commission–HB 57
Occupational license tax, military reserve exemption–HB 170
Officers' and employes' conflict of interest–HB 53
Officers election, ballot form for–SB 327
Offices, appointive to elective–HB 753
Open records–HB 138
Ordinance publication–HB 44
Parking authorities–HB 451
Petitions, preparation of–SB 90
Planning and zoning amendment notice–HB 303
Planning and zoning referendum petition–HB 65
Planning unit, dissolution and–HB 670
Police and firemen, tax exemption on retirement benefits–HB 317
Police, basic training requirements–SB 118
Primary election contests–HB 837
Professional services, competitive selection–HB 689
Property tax, compensating rate–HB 61
Public improvement assessment bills, to indicate interest–HB 252
Reclassification, census copy requirement–HB 55
Regulations, restrictiveness–HB 442
State contract with city of Frankfort for municipal services–HB 700
State police authority in cities–SB 216
Supplemental tax by cities for police, fire or garbage collection services–HB 539
Tax assessment, county, use of–HB 39
Urban Affairs Council membership–HB 42
Urban-county board and department of health, create–HB 709
Utilities, authority following annexation–HB 683
Zoning, adoption by reference–HB 45

**CITIES, FIRST CLASS**
Arson investigators as police officers–HB 808
Civil service vacancies–HB 807
Classified employes, political activity by–HB 805
Health board, litigation liability exemption–HB 462
Hospitalization for indigent persons, contract for–HB 203
Occupational license tax exemption–HB 390
Police court trials–HB 526
Primary election of alderman–HB 154
State property, service charges in lieu of tax–HB 15

**CITIES, SECOND CLASS**
Annexation ordinance reversal–HB 813
Covington, censure of, page 1470
Employees' pension plans–HB 299
Hospitalization for indigent persons, contract for–HB 203
Ordinances, summary reading of–SB 275
Police and firemen, hearings on charges against–HB 585
Police and firemen, retirement–HB 687
Police and firemen, retired, survivors' benefits–HB 665
Police and firemen's retirement age–HB 770
Police, countywide arrest power–HB 798
State property, service charges in lieu of tax–HB 15
Utility commission membership–HB 593

**CITIES, THIRD CLASS**
Attorneys, selection of–HB 822
Firemen's retirement–SB 154
Ordinances, summary reading of–SB 275
Police and firemen, hearings on charges against–HB 585
Police and firemen, military credit for pension benefits–HB 268
Police and firemen, military service for retirement–HB 797

**CITIES, FOURTH–SIXTH CLASS**
Alcoholic beverages by the drink, 4th–HB 231
Alcoholic beverage sales, 4th–SB 231
Police and fire department merger–HB 812
Police residence, 4th and 5th–SB 242; HB 353

**CIVIL PROCEDURE**
Administrative actions, adjudication of–HB 137
Adoption consent filing–HB 289
Appeals from inferior courts to circuit court–HB 97
Attachments under–SB 23
Attorney fees–HB 356
Comparative fault, contributory fault not to bar recovery–HB 236
Comparative fault, elimination of "last clear chance" doctrine–HB 599
Damage recovery, assualts by minors–HB 305
Discrimination proceedings–HB 564
Forcible detainer action–SB 149
Liability to trespassers–HB 285
Privacy, commission to study–SJR 13
Venue of contract actions–HB 446

**CIVIL RIGHTS**
Applications, designation of race, color or religion prohibited–HB 843
Age discrimination in employment and training programs–HR 111
Busing of pupils, amendment request–HCR 5
Busing of pupils, prohibit public funds for–HB 168
Commission on Human Rights, terms of members–HB 564
Discrimination proceedings, rules of Civil Procedure–HB 564
Employment discrimination based on sex–HB 128
Equal Rights Amendment, rescind ratification–HJR 7
Handicapped persons, discrimination prohibition–HB 407
Human Rights Commission, abolition of–HB 603
Labor by minors–HB 125
Legal defense of indigent persons–SB 266
Marriage certificate, deletion of race reference–HB 88
Prayer in schools–HB 320
Privacy and records management study–HJR 32
Race, amendment request–HCR 23
"Respect for Life Month"–HR 22
School attended, choice in selecting–HB 193
Sex discrimination–HB 550
Unborn children, urge amendment on–HR 68

**CLAIMS**
Actions on state contract–HB 496
Appropriation for–HB 695
Board of Claims, reorganization–HB 639
Crime victims compensation board–HB 639
Crime, victims of–SB 58; HB 96
Liability to trespassers–HB 285
Prudential depositors, state reimbursement of–HB 609
Quarterly courts, small claims division–HB 92
Sovereign immunity, abolition of–HB 781

**CLAPP, LLOYD**
HR 106, 108; HB 79, 333, 418, 484, 788
Elected Speaker Pro Tem, page 8

**CLARKE, JOE**
HR 27, 32, 63, 106, 124; HB 4, 5, 6, 7, 8, 14, 138, 139, 140, 201, 224, 225, 250, 251, 269, 279, 330, 350, 375, 388, 452, 517, 554, 623, 733, 735, 736, 743, 755, 830, 831, 834

**COAL**
Coal County Development Committee appointments, page 95
Coal Severance Economic Aid Fund–HB 674
Conference on uniform coal legislation–HR 99
Energy Road Fund–HB 678
Gasification plant location–HR 47
Mine reclamation regulations–HB 490
Mineral interests, lapse of–HB 308
Miners' pneumoconiosis fund–HB 614
Mining regulations–HB 654
Regional development assistance offices in coal-producing counties–HB 622
Resource recovery roads–HB 676
Road funds petition–HR 83
Severance tax credit equal to franchise tax–HB 312
Severance tax increment–HB 677
Strip mine bond requirement increment–HB 459
Underground mining license, revocation–HB 668
Underground mining, surface effects–HB 592
Workmen's compensation separate fund for coal worker claimants–SB 142

**COLLECTIVE BARGAINING**
Public employe right to–HB 300
Public Employes Bargaining Referendum–HJR 4
Public employes, wage deductions for union dues–HB 790
Restraining or enjoining orders concerning–HB 533
Teachers–SB 200

**COMMENDATIONS AND RECOGNITIONS**
American Legion–HR 112
Bicentennial Song–HR 85
Brown, Elmer L.–HR 56
College and university presidents–HR 132
Elizabethtown, marching contest site–SCR 49
Fairdale–HB 823
FFA, commending–HR 30
Floyd, William Barrow–HR 82
Greenwade, Sheila–HR 77
Griffith, Marsha–HR 128
Guston, map recognition of–HCR 42
Henry Ward Highway–HJR 36
Huddleston, Senator Walter "Dee"–HR 33
Isler, Rep. John J.–HR 108
Legislative interns commendation–HR 130
Maple Mount community on maps–SCR 17
Millersburg Military Institute–HR 79
Oldham County flag–HCR 105
O'Rear, Agnes, Poet Laureate designation–SJR 22
Old Time Fiddlers' Championship–HCR 37
Paul S. Blazer High School football–HR 127
"Respect for Life Month"–HR 22
Richards, Jom–HR 91
Senator from Jefferson 36–HR 133
Speakers, former, recognition of–HR 141
St. Xavier Tigers–HR 113
UK–U of L basketball–HR 120
UK basketball–HR 138
Vincent, B. M.–HR 131
WKU football team honored–HR 81
487th Engineer Battalion–HR 80

**COMMUNICATIONS**
Communications, eavesdropping–HB 205
News editorials, signature of–HB 774
Police monitoring radio units–SB 253
Police radios, remove restrictions on private use–HB 323
Telephone directories in counties–HB 310

**CONFLICT OF INTEREST**
General Assembly code of ethics–SB 56
Municipal officers and employees–HB 53
State officers and employes–HB 224, 360
Study of problems and laws concerning–HJR 3

**CONGRESSIONAL DISTRICTS**
Five and six, redistricting–HB 256

**CONN, HAROLD**
Elected Cloakroom Keeper, page 9

**CONSTITUTION**
Convention for revision–HB 201
Convention referendum, public information and hearings–HJR 11
Elections amendment–HB 196
Fiscal court membership, counties of 250,000–HB 276
General Assembly amendment–HB 283, 379
Homestead exemption amendment–HB 161
Initiative and referendum–HB 530
Judicial Article statutory amendments concerning–HB 731
Lottery and bingo amendment–HB 414
Solar heating, tax amendment–HB 656
Working of prisoners, amendment on–SB 30

**CONSUMER AFFAIRS**
Administrative regulation, economic impact–HB 607, 860
Antitrust–HB 646
City attorney's assistance in consumer protection cases–HB 742
Claims and defenses, preservation–SB 220
Consumer education evaluation–HJR 73
Consumer education requirement–HB 537
Credit reports, dissemination–HB 155
Education programs study–SJR 43
Electrical energy rates determination–HB 842
Fair-trade milk marketing–HB 588
Funeral directors, itemization of services–HB 535
Generic drug selection substitution posting–HB 194
Health Services Cost Review Commission–HB 757
Holder-in-due-course–HB 113; SB 220
Insurance policy summary requirement–HB 269
Insurance premium refund–HB 212
Item pricing, retail sales–HB 410
Motor vehicle odometer alteration–HB 322
Motor vehicle warranty requirements–HB 115
Motor vehicles, sale and merchantability–HB 771
"New Car Lemon Bill"–HB 115
Perpetual care and cemetery merchandise trust funds–HB 485
Petty loans, charges and maximum amount–HB 408
Privacy and records management study–HJR 32
Reasonable attorney's fees–HB 857
Resale price maintenance repeal–HB 644
Residential electricity at commercial rates–HB 686
Small claims courts–HB 92
Solicitation of funds, retainage limit–SB 367
Telephone, area service in county–HB 679
Telephone rate change notification–HB 228
Time price differential maximum–HB 397
"Unfair" practices declared unlawful–HB 114
Used car sales, previous owner information–HB 652
Vending machines sales, price limit–HB 720

**CONTRACTS**
Action on contract against the commonwealth–HB 496
Antenuptial agreements–HB 681
Broad form deed–HB 701
Public, competitive selection for professional services–HB 689
State contract with city of Frankfort for municipal services–HB 700
State price, political subdivision participation–SB 101
State purchases, negotiation of unsatisfactory bids for–SB 170
State purchases, non-discrimination clauses–HB 796
Venue of contract actions–HB 446

**CONVEYANCES**
Broad form deed–HB 701
Recording instrument of title, signature by transferee–HB 722

**COOPERATIVES**
Audit requirements–HB 357
Consumer and producer–HB 28
Securities of agricultural cooperatives–SB 102

**COOPER, JACKIE "RAY"**
HR 23, 53, 63, 106; HB 136, 174, 195, 196, 197, 198, 199, 214, 216, 232, 254, 269, 302, 304, 328, 346, 384, 385, 409, 417, 511, 514, 516, 546, 578, 658, 755, 767

**CORONERS**
Assistant coroners–HB 776
Consumer price index, adjustment salary–HB 423
Correctional facility inquests–SB 213
Disposition of bodies and valuables–HB 424
Juries, compensation increment–HB 425
Monthly minimum compensation–HB 420

**CORPORATIONS**
Antitrust–HB 646
Bank deposit of employes wages–HB 739
Business development corporations–HB 850
Cooperatives, consumer and producer–HB 28
Dissolution of municipal charter–HB 52
Farming limitation–HB 160
Income tax credits for contributions to institutions of higher learning–HB 232
Incorporation and general powers of cities–HB 59
Insurance company investment in subsidiaries–SB 283
License taxes, apportioning of total capital–SB 187
Nonprofit, acting for governmental agencies–HB 651
Nonprofit, articles requirements–HB 26
Take-over bids, prevention of–HB 349

**CORRECTIONS**
Confined needy, defense of–HB 845
Deaths in facilities, inquests–SB 213
Ex-offenders, occupational licensure and public employment of–HB 16
Execution, study of–HR 98
Inmates released, notice concerning–HB 478
Juvenile offenders–HB 762
Parole, eligibility, by class of offender–HB 199
Parole, eligibility for–HB 144
Robbery conviction, minimum time for parole–HB 166
State personnel examination, provision requiring–HB 848
Vocational training for inmates–SB 214
Working of prisoners–SB 30

**COUNTIES, GENERALLY**
Acloholic beverage tax revenue sharing–HB 528
Annexation referendum–HB 66
Assistant county attorneys, number of–HB 278
Audits, use of independent contractors for–HB 643
Auxillary police, vehicles of–HB 594
Bicycles, licensing of–HB 795
Closing public offices–HB 355
Coal counties, appropriation to development fund–HB 578
Coal producing counties, distribution of appropriations–HB 511
Condemnation actions–HB 290
Constables, use of flashing lights–HB 736
Coroners, assistants–HB 776
Department for Local Government–HB 58
Disaster services by–HB 64
Disposition of bodies and valuables by coroner–HB 424
Duplicate inspections and conflicting standards prohibited–SB 17
Elected officials, audits of accounts of–HB 67
Employes, 20-year retirement–HB 495
Energy Road Fund–HB 678
Historical Societies–HB 638
Hospitalization for retired employes–HB 552
Industrial revenue bonds, definition of–SB 362
Intra-county telephone rates–HB 318
Jailers, compensation of–HB 253
Johnson grass control–HB 319
Judge's expense payment investment–SB 273
License fee, exemption for military reserve–HB 181
License tax on savings and loans–HB 749
Motor vehicles, unregistered, inspection of–HB 740
Petitions, preparation of–SB 90
Occupational license tax, military reserve exemption–HB 170
Officials, payment for state audit by–HB 350
Oldham County flag–HCR 105
Open records–HB 138
Ordinance publication–HB 44
Planning and zoning amendment notice–HB 303
Planning and zoning referendum petition–HB 65
Planning unit, dissolution and–HB 670
Police, basic training requirement–SB 118
Professional services, competitive selection–HB 689
Public improvement assessment bills, to indicate interest–HB 252
Receipt requirements, county officials–HB 627
Regulations, restrictiveness–HB 442
Special sheriffs' deputies–SB 224

**COUNTIES, GENERALLY (Cont'd)**
State tax revenue sharing–HB 316
Tax assessments, PVA compensation for–HB 455
Urban-county board and department of health, create–HB 709

**COUNTIES, URBAN**
Attorney, inferior court prosecutions by–SB 110
Condemnation actions–HB 290
Law library, use of taxed attorney fees–HB 94
Official's offices and benefits–HB 832
Parking authorities–HB 451
Petition to place on ballot–HB 298
Police and firemen, hearings on charges against–HB 585
Police and firemen, retired survivors' benefits–HB 665
Police improvement assessment bills, to indicate interest–HB 252
Quarterly court clerks, appointment of–SB 122
Sewer systems–HB 806
State property, service charges in lieu of tax–HB 15

**COUNTIES WITH CITIES OF THE FIRST CLASS**
Attorney, inferior court prosecutions by–SB 110
Busing of pupils, prohibit public funds for–HB 168, 516
Constables, salary increment–HB 620
Crime victims, compensation–HB 841
Fiscal court membership amendment–HB 276
Health board, litigation liability exemption–HB 462
Local government multiplicity study–HR 94
Occupational license tax, National Guard exemption–SB 116
Officials' offices and benefits–HB 832
Private road, dedication–HB 85
Public roads, designation and maintenance–HB 157
School board members' compensation–HB 394
School board membership–HB 604
Sewer construction referendum–HB 748
Sewer hearings–HJR 50
Sewer systems study implementation–SJR 41
Sheriffs, fee liability, motor vehicle inspections–SB 290
Tourist and convention commission–SB 193

**COUNTIES WITH CITIES OF THE SECOND CLASS**
Air board appointments–HB 399
Attorney, inferior court prosecutions by–SB 110
City and unincorporated streets, county maintenance of–HB 663
Commissioners, county wide nomination–HB 750
Officials' offices and benefits–HB 832
Public roads, designation and maintenance of–HB 157

**COUNTIES WITH CITIES OF THE THIRD THROUGH SIXTH CLASS**
Alcoholic beverages by the drink, 4th–HB 231
Law library support, tax levy for, 5th and 6th–HB 514
Maintenance of county buildings–HB 375

**COURT CLERKS**
Birth certificates, issuance to adoptive children–SB 166
Circuit clerk's deputies, compensation of–HB 547
Circuit clerk's fees for civil actions–HB 591
Circuit, fiscal court financial support–SB 69
Clerk's fees in circuit court–HB 465
Collection of attorney fees–HB 94
County clerk, preparation of property tax bills–HB 856
County clerk's duties as to certificates of title–HB 662
Motor vehicle registration plates and receipts, fees concerning–SB 13
State judgments reporting–HB 335
State payment to circuit clerks for state inmates indicted–HB 445

**COURT OF APPEALS**
Judicial Article, statutory amendments concerning–HB 731
Jurisdiction and procedure–SB 161; HB 432

**COURT REPORTERS**
Shorthand reporters–HB 22

**COURT, SUPREME**
Definition and procedures–SB 162; HB 435

**COURTS, CIRCUIT**
Appeals from inferior courts–HB 97
Caldwell, Lyon, Trigg, creating district for–HB 150; page 1429
Clerk's deputies, compensation of–HB 547
Clerk's fees, attendance at court–HB 465
Clerk's fees for civil actions–HB 591
District detectives, number of–HB 768
Financing by fiscal court–SB 69
Franklin, requisition for state supplies–HB 255
Jefferson Circuit Court, number of judges–HB 389
Juvenile offenders–HB 293
Juvenile offenders, age and commitment–HB 291
Juvenile proceedings–HB 587
Master commissioners, election of–HB 636
Petition for discontinuance of extraordinary life support measures–HB 265
Prison inmates released, notice of–HB 478
Shorthand reporters–HB 22
State payment to circuit clerks for state inmates indicted–HB 445
Third and Fourth Judicial Districts, redefinition–HB 150; page 1429

**COURTS, COUNTY**
Juvenile offenders–HB 293, 762
Juvenile offenders, age and commitment–HB 291
Juvenile proceedings–HB 587
Juvenile session, when jury trail authorized–HB 219
Juveniles, judge to set punishment–HB 472

**COURTS, DISTRICT**
Fines and forfeitures, distribution of–HB 279

**COURTS, FISCAL**
Audits of county budget–HB 202
Circuit courts, support of–SB 69
Counties of 250,000, amendment concerning–HB 276
School tax levy by, removal of responsibility–HB 73
State court, requisition for supplies–HB 255
Unified court system support–SB 330

**COURTS, GENERALLY**
Appeals from inferior courts to circuit court–HB 97
Attorney fees in civil actions–HB 356
Bail bondsmen; warrant for arrest or removal by–SB 70
Child custody jurisdiction–HB 261
County attorney, prosecution in inferior courts–SB 110
Crime victims, compensation–HB 841
Discharge of offenders for lack of speedy trial–HB 470
Intimidating a judicial officer–SB 364
Judgments, damages for collection stay–SB 160; HB 434
Judicial Article, statutory amendments concerning–HB 731
Judicial Nominating Commissions–HB 186
Judicial support agencies and personnel–HB 544
Jurors' compensation increment–HB 277
Jury selection–HB 611
Legal defense of indigent persons–SB 266
Recall of judges considered by petition–HB 177
Supreme Court and Federal Court Justices, limit terms of–HCR 6
Supreme Court, definition of–SB 162; HB 435
Testimony by clergy–HB 755
Unified system, local financial support–SB 330

**COURTS, POLICE**
Time for trial, cities of first–HB 526

**COURTS, QUARTERLY**
Appointment of clerks–SB 122
Small claims division–HB 92

**CRADDOCK, ALLENE A.**
HR 13, 44, 53, 63, 106; HB 136, 201, 236, 241, 307, 390, 416, 493, 522, 587, 599, 732, 755

**CRIMES AND PUNISHMENTS**
Bail bond business prohibition–HB 254
Child abuse, reporting and penalties–SB 197
Classification of offenders–HB 199
Compensation of victims–HB 841
Crime Victims Compensation Board–HB 639
Criminal history records–SB 295
Criminal records request prior to indictment–HB 274
Cruelty to animals, reporting–HB 453
DWI, amendment of charge and penalty concerning–HB 508

**CRIMES AND PUNISHMENTS (Cont'd)**
Death penalty, use of lethal gas–HB 165
Defrauding secured creditors, penalty–HB 661
Drug traffic near military bases–HR 35
Eavesdropping exceptions–HB 205
Execution, study of–HR 98
Felons, persistent, reports on–HR 39
Infamous crimes classified–HB 617
Intimidating a judicial officer–SB 364
Jury trial, when authorized in juvenile court–HB 219
Juvenile offenders–HB 293, 762
Juvenile offenders, age and commitment–HB 291
Juvenile offenses–HB 587
Mental examination of defendant–HB 250
Mileage allowance for return of fugitive–SB 167
Motor vehicle accidental homicide–HB 815
Motor vehicle misdemeanors–HB 814
Narcotics traffic, mandatory jail sentence for–HB 746
Omnibus legislation–SB 271
Parole eligibility–HB 717
Peace bond requirement–HB 479
Persistent felons–SB 270; HB 412
Physical force, justification for–SB 95
Prosecution of capital offenses–HB 474
Public defender, affadavit by indigents–HB 370
Rape, admissibility of victim's prior sexual conduct–HB 143
Reimbursement of federal officials for transporting prisoners–HB 336
Robbery conviction, minimum time for parole–HB 166
Sentence, service requirement–HB 144
Serious crime definition–HB 95
Speedy trial–HB 470
Speedy trial, requirement of–HB 596
Victims, compensation of–SB 58; HB 96
Work-release–SB 269

**CRIMINAL PROCEDURE**
Alibi defense notice–HB 525
Bail bond business prohibition–HB 254
Bail bondsmen, warrant for arrest or removal by–SB 70
Center offering voluntary services, release of child to–SB 21
Classification of offenders–HB 199
Compensation for return of fugitive–SB 167
Corrections Compact, hearing by parole board of another state–SB 294
Criminal history records–SB 295
Death penalty, use of lethal gas–HB 165
Defendant's record, request prior to indictment–HB 274
District courts, fines and forfeitures in–HB 279
Evidence, admissibility of reputation–HB 143
Infamous crimes classified–HB 617
Interstate Agreement on Detainers–SB 356
Juvenile offenders, age and commitment–HB 291
Juvenile offenses–HB 587
Juveniles, detention of–HB 243
Legal defense of indigent persons–SB 226
Mental examination of defendant–HB 250
Motor vehicle accidental homicide–HB 815
Peace bond requirement–HB 479
Persistent felons–HB 412
Physical force, justification for–SB 95
Prisoner transfer to state hospitals–HB 251
Prosecution of capital offenses–HB 474
Reimbursement of federal officials for transporting prisoners–HB 336
Robbery conviction, minimum time for parole–HB 166
Special Law Enforcement Officer Act–SB 267
Speedy trial, requirement of–HB 596
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act–SB 358

**CRUPPER, CLAY**
HR 13, 22, 26, 37, 44, 63, 106; HB 172, 180, 319, 321, 392, 514, 755

**CYRUS, RONALD R.**
HR 13, 46, 53, 55, 63, 106, 112, 127; HB 136, 148, 172, 174, 193, 254, 269, 300, 302, 341, 346, 367, 384, 396, 413, 417, 483, 493, 503, 516, 53, 546, 578, 603, 658, 732, 744, 755, 777

**DAIRYING AND MILK MARKETING**
Below-cost sales at retail–HB 588

**DAVIS, BUNNY**
Elected Cloakroom Keeper, page 9

**DAWAHARE, HOOVER**
HR 13, 33, 46, 47, 53, 54, 57, 63, 79, 99, 106, 123; HB 136, 191, 193, 229, 241, 269, 379, 392, 417, 477, 494, 522, 578, 607, 608, 622, 704, 732, 744, 755, 789

**DeFALAISE, LOUIS**
HR 11, 19, 26, 69, 84, 106, 121; HB 136, 180, 195, 196, 197, 198, 199, 203, 214, 216, 233, 234, 245, 246, 247, 269, 272, 273, 293, 356, 380, 381, 414, 426, 448, 449, 452, 470, 529, 530, 550, 581, 586, 688, 691, 692, 693, 710, 714, 715, 716, 732, 734, 755, 780, 787, 799, 813, 821, 837

**DeMARCUS, WILLIAM HAROLD**
HR 3, 4, 44, 63, 106; HB 5, 8, 14, 149, 151, 152, 176, 177, 187, 197, 198, 199, 242, 243, 258, 264, 269, 270, 328, 417, 419, 427, 475, 614, 732, 755
Elected Minority Floor Leader, page 9

**DENHAM, MITCHEL B.**
HR 2, 13, 32, 33, 36, 48, 55, 63, 95, 100, 102, 106, 116, 132; HB 68, 72, 73, 80, 180, 191, 201, 253, 258, 284, 285, 319, 321, 373, 402, 417, 437, 464, 474, 500, 509, 514, 589, 732, 733, 755

**DESKINS, HERBERT, JR.**
HR 13, 23, 53, 63, 65, 87, 106; HB 68, 136, 168, 269, 277, 278, 294, 297, 308, 319, 363, 368, 382, 416, 428, 472, 473, 486, 493, 494, 495, 516, 555, 587, 589, 599, 602, 616, 671, 680, 681, 682, 732, 775, 776, 784, 844, 852

**DIETZ, ELMER C.**
HR 13, 22, 26, 37, 46, 63, 70, 106, 121; HB 136, 180, 233, 254, 269, 300, 396, 399, 414, 473, 514, 665, 672, 687, 716, 732, 734, 755, 787, 790, 799, 837

**DISASTERS**
Services by state and local governments–HB 64

**DISTILLED SPIRITS**
Federal excise tax rebate–HCR 70
Wholesale container size limit–HB 786

**DOGS**
Cruelty to, reporting–HB 453
Rabies control–SB 172

**DOMESTIC RELATIONS**
Adopted children, status of–HB 714
Adoption consent filing–HB 289
Adoption proceedings, residence requirement–HB 733
AFDC, Suitable Home Law, repeal–SB 174
Antenuptial agreements–HB 681
Child custody, jurisdiction–HB 261
Child support payments–HB 89
Children, visitation rights of grandparents–HB 378
Federal Child and Family Service Act, disapproval of–HR 62
Flagrant nonsupport of children–HB 760
Marriage, age of–HB 188
Marriage certificate, deletion of race reference–HB 88
Parental rights, involuntary termination–HB 715
Parental rights, termination of–HB 99
Uniform Reciprocal Enforcement of Support Act–HB 765

**DONNERMEYER, WILLIAM "BILL"**
HR 13, 22, 26, 48, 53, 63, 80, 106, 108; HB 16, 18, 20, 22, 24, 27, 29, 115, 134, 136, 141, 147, 161, 180, 217, 233, 234, 241, 253, 254, 262, 263, 269, 300, 301, 374, 376, 402, 414, 444, 452, 460, 466, 542, 550, 597, 634, 651, 663, 665, 672, 687, 693, 706, 710, 716, 720, 732, 734, 750, 755, 771, 772, 773, 774, 777, 785, 786, 787, 813
Elected Majority Caucus Chairman, page 9

**DOSS, EUGENE**
HR 13, 37, 57, 63, 88, 106; HB 68, 136, 168, 254, 341, 345, 363, 396, 407, 416, 428, 477, 483, 516, 533, 547, 578, 654, 732, 755, 674, 675, 676, 677, 678

**DRUGS AND MEDICINES**
Controlled substances, penalties for–HB 724
Diagnostic pharmaceutical agents, use by optometrists–HB 396
Drug traffic near military bases–HR 35
Narcotics traffic, mandatory jail sentence for–HB 746
Pharmacies posting of generic drug substitution notice–HB 194
Physician directives, typed or printed form–HB 849
Prescription drugs, traffic in–SB 341
Rabies vaccine sales–HB 725

**DUNN, JAMES R. (JIM)**
HR 6, 13, 23, 41, 53, 63, 106, 122; HB 68, 135, 136, 168, 191, 193, 269, 292, 303, 363, 505, 513, 516, 546, 603, 648, 662, 706, 748, 755

**EASTRIDGE, T. W.**
Elected Janitor, page 9

**ECONOMIC DEVELOPMENT**
Area Development Fund–HB 675
Business development corporations, loans to–HB 850
Commission, organization and duties–HB 565
Enviroeconomic Council–HB 139
Industrial development following acquisition of property–HB 497
Industrial development loan guarantees–HB 704
Industrial revenue bonds, definition of–SB 362
Regional Development Assistance Offices–HB 622
Technology Advisor to the Governor–HB 140

**EDUCATION, ELEMENTARY AND SECONDARY**
Accident insurance–HB 804
Accident reports required–HB 616
Accountability model–HJR 76
Accountability program–HB 78, 330
Achievement, low level, study concerning–HJR 71
Age of entrance to school–SB 103
Audits, indication of teachers' salaries–HB 77
Bible reading and prayer, petition to Congress concerning–HCR 13
Bidding maximum for school building or repair–SB 276
Blind or deaf pupils, transportation of–HB 71
Board employes, fringe benefits–HB 597
Board members' compensation, counties with 1st–HB 394
Board membership in counties containing a city of the first class–HB 604
Board members, election of–HB 501
Board members, election districts of–HB 745
Board members per diem increase–HB 366
Boards, primary election of–SB 218
Boards of education, inclusion of teacher member–HB 452
Boards of education, liability insurance or legal fees of–SB 157; HB 563
Buses, pick-up of students–HB 229
Buisng of pupils, amendment request–HCR 5
Busing of pupils, prohibit public funds for–HB 168, 516
Career Education–HB 70
Certified employes, suspension of contracts of–HB 281
Compulsory school attendance exemption–HB 505
Consumer education evaluation–HJR 73
Consumer education programs study–SJR 43
Consumer education requirements–HB 537
Contractual services for exceptional children–HB 163
Corporal punishment restriction–HB 171
Council on Education in Kentucky, creation of–HB 69
County school superintendent, election of–HB 382
Creation theory of man's origin, biblical instruction on–SB 50
District merger referendum–SB 357
Driver training school exemption–HB 315
Economic instruction requirement–HB 666
Education statutes study–SJR 11; HJR 25
Emergency leave increment–HB 241
Employees' insurance coverage–HB 74
Employees' removal–HB 454
Equal Education Opportunity–HB 827
Exceptional Children, definition of–HB 237
Exceptional pupils, regional deaf education services–HB 68
Exceptional pupils, right to instruction–HR 60
Fees for materials for pupils, abolition of–SB 78
Goals and accountability–HB 78, 330
Harassing telephone communications–HB 608
Holidays, primary and general election days as–HB 427
Home bound instruction–HB 164
Issues study–HR 61
Kindergarten programs study–HR 124

**EDUCATION, ELEMENTARY AND SECONDARY (Cont'd)**
Kindergarten, statewide program–HJR 24
Leaves of absence for personnel–SB 241
Lord's prayer and pledge of allegiance, recitation permitted–HB 333
Non-certified employes, retirement credit–HR 115; HB 633
Out-of-district children, services to–SB 173
Personal leave for school employes–HB 248
Power Equalization Fund–HB 4
Prayer in schools–HB 320
Private tuition grants–HB 710
Program imrpovement, funds apportionment–HB 789
Rubella immunization requirement–HB 72
Sales tax exemption for–HB 792
School attended, choice in selecting–HB 193
School bus inspection enforcement–HR 72
School calendar, teachers' meeting days–SB 354
School day of less than 6 hours permitted for kindergarten, readiness, and first grade students–HB 705
School photography and high school annuals–HB 818
School superintendent, appointment of–HB 352
Smoking on school grounds–HB 178
Substitute teachers, standard pay scale–HB 284
Tax levy by boards of education–HB 73
Teacher certification, education requirement–HB 685
Teachers
  accumulated sick leave, payment for–HB 649
  fringe benefits study–HR 64
  Jury duty and court witness leave for–SB 251
  licensure and certification–HB 582
  nonrenewal limited contracts–SB 113
  professional negotiations for–SB 200
  reassignment and salary determination–HB 347
  sick leave for immediate family defined–HB 249
  transfer of sick leave required–SB 184
Teachers' retirement
  after 30 years–HB 295
  increased prior service payment–HB 492
  leave of absence service credit–HB 327
  out-of-state service credit–HB 522
  required special benefit payment–HB 658
  sick leave credit–HB 75
Textbooks, elementary and secondary schools–SB 89
Textbooks, free distribution of–HB 270
Traffic signals at school crossings–HB 581
Truancy exemption for students transported beyond the nearest appropriate grade level school–SB 139
Tuberculosis, testing for–HB 80
Unemployment compensation eligibility–HB 132

**EDUCATION, FINANCE**
Appropriations for educational materials for pupils–SB 78
Bidding maximum for school building or repair–SB 276
Contractual services for exceptional children–HB 163
Equal Educational Opportunity–HB 827
Higher Education Assistance Authority, out-of-state funding by–HB 18
Issues study–HR 61
Non-certified employes retirement study–HR 115
Private tuition grants–HB 710
Program improvement, funds apportionment–HB 789
Required local tax effort, agricultural land assessment under–HB 698
School budgets, tax rate limits–SB 279
State ad valorem tax assessments, use of–SB 277
Student loans–SB 363
Tax levy by boards of education–HB 73

**EDUCATION, HIGHER**
Accident reports required–HB 616
Aged persons, free tuition for–HB 590
Community college course transferability–HB 76, 266
Community college system, trustees for–HB 554
Council on Education in Kentucky, creation of–HB 69
Course standardization–HB 260
Credit transferability–HB 775
Education statutes study–SJR 11; HJR 25
Employes, retirement at 70–HB 538
Faculty and personnel–HB 383
Faculty contractual status and dismissal–HB 296
Fees of non-Kentucky residents, required total cost amount–HB 214

**EDUCATION, HIGHER (Cont'd)**
Hazard Community College, conversion to four-year institution–HR 54, 57
Higher Education Assistance Authority, inclusion of trade and technical schools–HB 601
Higher Education Assistance Authority, out-of-state funding by–HB 18
Higher education retirement study–HJR 78

Income tax credits for contributions to–HB 232
Income tax, deduction, for higher education expense–HB 328
Issues study–HJR 61
Jefferson Community College locations–HB 354
Municipal college advisory boards–SB 84
National Guard Educational Fund–SB 141
Northern Kentucky State College, university status–HB 180
Postgraduate medical education–SB 28
Primary service areas of colleges and universities–HB 267
Rural Medical Scholarship Fund, expansion of–HB 500
Teacher licensure and certification–HB 582
Teachers' Retirement, leave of absence service credit–HB 327
U. of K. Medical Center, malpractice insurance–HB 712
UK, U of L athletic contests–HJR 38
UK Mining School–HR 123
U of L Board of Trustees, nominees for–SB 189
University personnel, professional negotiations for–SB 200

**EDUCATION, VOCATIONAL**
Administration and control–HB 640
Career Education–HB 70
Correctional inmates, program for–SB 214
FFA, commending–HR 30
Higher Education Assistance Authority, inclusion of trade and technical schools–HB 601
Issues study–HR 61
Postsecondary Education Commission–HB 816
Proprietary education, regulation–HB 763
Students' loan eligibility–SB 363

**ELECTIONS**
Absentee ballots, voting assistance–HB 575
Absentee voters, disabled–HB 576
Campaign treasurers, naming of–SB 15
Candidate's filing papers, certification of–HB 79
City assessor–HB 60
City legislative bodies, election of–HB 527
City officers–SB 327
Commissioners, counties with 2nd, nomination–HB 750
Constitutional amendment on–HB 196
Constitutional convention referendum–HB 201
Constitutional Convention referendum, public information and hearings–HJR 11
Contest of primary elections in cities–HB 837
Contributions by candidates, limitations on–HB 463
Corrupt practices act, omnibus revision–HB 448
Education board membership–HB 501
Establishment of vice presidential primary–HB 264
Finances, bank depository requirement–HB 234
Financial reports by candidates–HB 402
Initiative and referendum, constitutional amendment–HB 530
Judges and justices–HB 438
Master commissioners for circuit court districts–HB 636
Master registration lists, use of–SB 327
Negative selection–HB 417
News media present at vote count–SB 176
Nominating petitions, preparation of–SB 90
Officers, increase in compensation–HB 257, 416
Patronage funds–HB 513
Political contribution check-off on income tax return–SB 254
Precinct designations–HB 648
Precinct voting site designations–SB 186; HB 726
Presidential primary, uncommitted vote–HB 444
Presidential primary filing deadline–HB 233
Primary, allow for open primary–HB 195
Primary and general election days as school holidays–HB 427
Primary date–HB 151, 195
Primary election of alderman–HB 154
Public employes, collective bargaining, referendum on–HJR 4
Purgation of voters–HB 272
Recall of public officials–HB 176
Referendum, creation of–HB 529
Referendum on sewer districts–HB 748
Registry of Election Finance, abolishment of–HB 223
School district merger referendum–SB 357

**ELECTIONS (Cont'd)**
School superintendent–HB 382
Study of ballot and elective officers–HR 41
Supreme Court justices–SB 162; HB 435
Technical revision–HB 325
Urban county government, petition to place on ballot–HB 298
Voter registration–SB 33
Voter registration list, purge of–HB 239

**ELECTRICIANS**
Certification of electrical inspectors–HB 561, 729
Inspectors, regulation and certification of–HB 706

**EMBLEMS**
Bicentennial Song–HR 85
Coffeetree as state tree–SB 150
Oldham County flag–HCR 105
Tumblebug of the Commonwealth–HR 133

**EMERGENCY OR EXTRAORDINARY EFFECTIVE DATE, LEGISLATION CONTAINING**
1977-78 school year–SB 103
Emergency–SB 20, 69, 89, 91, 102, 161, 162, 179, 190, 203, 226, 273, 274, 363; HJR 12, 102; HB 70, 146, 150, 168, 169, 186, 193, 233, 264, 321, 334, 348, 432, 435, 438, 444, 475, 476, 558, 570, 651, 677, 695, 696, 729, 842
July 1, 1976–SB 248, 330; HB 4, 22, 210, 311, 349, 397, 439, 515, 713, 721
July 1, 1976 through July 1, 1978–HB 703
September 1, 1976–SB 200
October 1, 1976–HB 30
December 31, 1976–HB 39
January 1, 1977–SB 156, 267; HB 4, 122, 137, 332, 391, 539, 791
July 1, 1977–HB 4, 709
August 31, 1977–HB 30
February 28, 1978–HB 30
July 1, 1978–SB 17, Sections 3 and 4; HB 68, 735
July 2, 1978–HB 703
Next city election–HB 60

**EMINENT DOMAIN AND CONDEMNATION**
Industrial development following acquisition of property–HB 497
Instituting proceedings–HB 290
Municipally owned utilities–HB 683
Omnibus revision–HB 93
Relinquishment for public use–SB 168
Relocation assistance eligibility–SB 100
Sale of property to private developer–HB 245
Utility acquisitions, relocation assistance–HB 671
Wild Rivers System–SB 309

**ENERGY**
Department and related agencies created–HB 499
Energy Road Fund–HB 678
Gas companies, service to owners of property housing lines–HB 297
Lifeline gas and electricity–HB 555
Nuclear wastes study–HJR 102
Oil wells, distance between–SB 185
Radioactive waste material excise–HB 838
Resource recovery roads–HB 676
Solar heating, property tax advantage–HB 656
Technology Advisor to the Governor–HB 140
TVA electric rates–HR 101
Utility fuel adjustment uniformity–HB 197

**ENGINEERS AND SURVEYORS**
Public buildings–HB 801

**ENVIRONMENT AND CONSERVATION**
Action to protect the environment–HB 820
Beverage containers redemption–SB 59
Corps of Engineers, cost-sharing contracts–HJR 66
Department for Natural Resources and Environmental Protection, change in name of bureaus–HB 457
Division of Natural Resources and Environmental Law–HB 830
Enviroeconomic Council–HB 139
Environmental protection litigation–HB 271
Hearing officer's report deadline–HB 819
Junk motor vehicles, removal from private property–HB 794
Land Conservation and Development Commission created–SB 14
Land use planning, owners' protection from–HB 135
Leg-hold steel trap, prohibited–HB 385, 443
Legal actions concerning–HB 456

**ENVIRONMENT AND CONSERVATION (Cont'd)**
Mine reclamation regulations–HB 490
Nature preserves system–SB 155
Nuclear wastes study–HJR 102
Pest control–HB 62
Pollution Abatement Authority–SB 342
Pollution discharge, air and water quality–HB 458
Public water, permit for use–HB 38
Scenic easement–SB 168
Solar heating, solar heating advantage–HB 656
Solid waste disposal on private property–HB 32
Strip mine bond requirement increment–HB 459
Strip mine permit applications and reclamation plans–HB 667
Wild Rivers System–SB 309
Wildlife management areas, use–HB 469

**ESTATES OF DECEDENTS**
Adopted children, right of inheritance and succession–HB 714
Disclaim by deed, legatee's authority–HB 766
Inheritance tax exemption–HB 167, 221, 242, 486
Life insurance claims, time before settlement–HB 230
Omnibus revision–HB 98
Pension and other funds, payment of–SB 121
Tax on farmland–HB 502

**EXPLOSIVES**
Blasting regulations–SB 211
Manufacture, sale, transportation, and storage–SB 211

**FAIRS**
AFL-CIO, member on state fair board–HB 546
Local, state promotion–HB 579
State Fair Board, lease of land–SB 190
State Fair Board membership–SB 296
State fair grounds, exhibitions–HB 359

**FEES**
Bank examination fees–SB 169
Circuit clerk, attendance at court–HB 465
Circuit clerk, civil actions filed–HB 591
County clerk, motor vehicle registration–HB 7
Death certificate fee, veteran's exemption–HB 711
Dentists, licensure renewal–SB 375; HB 828
Elevator safety inspection, fees–HB 124
Elevator inspection fee–HB 208
Mine license and scales–SB 261
Motor vehicle registration, duplicate–SB 13
Motor vehicle registration fees–HB 426
Peace officers, fees for summoning witnesses–HB 606
Reasonable attorney's fee–HB 857
Sewage system operators' certification–HB 337
Sheriff's fee liability, motor vehicle inspections–SB 290
Social workers, exams for certifications–HB 540

**FIDUCIARIES**
Committee appointment precedence–SB 148
Incompetents, power and duty of committee for–HB 82
Savings and Loan association as trustees–HB 521

**FINANCIAL RESPONSIBILITY**
Repeal of provisions–HB 532

**FIREMEN AND FIRE DEPARTMENTS**
Charges against, hearings on–HB 585
Firehouse maintenance by firemen–HB 672
Merger with police department–HB 812
Pay supplement and training–HB 619
Pension, income tax exemption–HB 836
Public office held by firemen–HB 719
Retirees, survivors, benefits–HB 665
Retirement age, cities of 2nd–HB 770
Retirement, cities of 2nd–HB 687
Retirement, cities of 3rd–SB 154; HB 797
Tax exemption on retirement benefits–HB 317
Volunteer fire departments, official license tags for–HB 778
Volunteer fire districts, residence of trustees–HB 660

**FIRE PREVENTION**
Care centers, safety standards publication–HB 488
Child care centers, safety standards drafting–HB 489
Fire district taxes, fee for collection of–HB 610
National academy, urge Kentucky site for–HR 134

**FISH AND WILDLIFE**
Hunting and fishing licenses, exemption–HB 175
Hunting and fishing on private property–HB 179
Leg-hold trap, prohibited–HB 385, 443
Wildlife management areas, use–HB 469

**FITZGERALD, MARK**
HR 37, 44, 53, 62, 63, 106, 142; HB 136, 219, 236, 254, 269, 294, 355, 363, 368, 402, 416, 428, 462, 464, 472, 477, 484, 495, 541, 547, 548, 555, 587, 599, 636, 673, 681, 701, 732, 755, 792, 848

**FLOOD CONTROL AND WATER USAGE**
Public water, permit for use–HB 38

**FLOYD, LAVEY**
HR 13, 33, 44, 46, 53, 63; HB 229, 307, 363, 375, 475, 504, 506, 507, 578, 732, 755, 799

**FOSTER, LEWIS**
HR 13, 37, 44, 53, 63, 87, 106; HB 136, 172, 202, 220, 269, 284, 285, 286, 319, 321, 333, 369, 396, 493, 583, 701, 732

**FREEMAN, GLENN**
HR 48, 49, 106, 118, 129; HB 260, 264, 266, 267, 310, 311, 312, 318, 397, 398, 493, 500, 511, 512, 555, 578, 657, 668, 732, 757, 775, 849

**FUEL**
Lifeline gas and electricity–HB 555
Motor fuel tax, LP gas exemption–HB 629
Oil wells, distance between–SB 185
Residential fuel, sales tax exemption–HB 779
Taxation of, sales and use tax exemption–HB 235, 345

**GAMBLING**
Lottery and bingo amendment–HB 414
Pari-mutual tickets unclaimed–HB 25
Pari-mutual wagering, exemption for–HB 531
Pinball machines, coins allowable–HB 772

**GARNISHMENT**
Attachments–SB 23

**GAY, CLAY**
HR 13, 37, 46, 106; HB 36, 37, 39, 43, 49, 51, 52, 56, 68, 136, 168, 193, 229, 232, 241, 264, 269, 437, 452, 471, 500, 511, 516, 578, 655, 658, 659, 683, 684, 685, 686, 729, 732, 744, 755

**GENERAL ASSEMBLY**
Acts and Journals distribution–HB 147
Adjourn sine die–SR 83
Adjournment–HR 28, 31, 43, 45, 48, 51, 53, 63, 108, 110, 114, 116, 125, 126, 139, 140
Bills, fiscal analysis requirement–HB 8
Budget, biennial–SB 359
Chandeliers in House, removal of–HR 137
Code of ethics–SB 56
Commission on Government Finance–HB 388
Committee on Enrollment, page 84
Committee on Rules, page 37
Committees, standing, pages 12-18, 35, 36, 37
Committee to wait upon the Governor–HR 8
Compensation of members, annual report on–HB 586
Constitutional amendment concerning special session of–HB 283, 379
Employes, compensation–SB 91
House districts
  1 and 4, reapportionment–HB 207
  2 and 5, reapportionment–HB 240
  18 and 19–HB 664
  57 and 58–HB 348
  82 and 85–HB 769
  94 and 95–HB 784
Interim committees, subpoena authority–HB 810
Issues submission, page 252
Leadership, penalty for influencing selection of–HB 225
Legislative proposals preparation–HB 363
Lobbyists, regulation of–HB 149
Members' certification, pages 1-8
Members' compensation–HB 146, 169, 558
Members' health and life insurance–SB 147
Old State House session–HCR 21

**GENERAL ASSEMBLY (Cont'd)**
Pastors, invitation to–HR 9
Privacy, commission to study–SJR 13
Recall of legislation–HB 529
Retirement–HB 142
Revenue bond approval–HB 5
Rule 4, amendment of by House–HR 89
Rules, adopt permanent–HR 17
Rules, temporary–HR 10
Saturday holidays–HB 624
Speakers, former, recognition of–HR 141
Solicitor General for–HB 90

**GIVHAN, THOMAS B.**
HR 13, 37, 39, 53, 63, 106; HB 35, 66, 67, 91, 143, 188, 202, 236, 269, 274, 275, 313, 370, 390, 400, 401, 402, 411, 412, 422, 473, 478, 493, 520, 598, 599, 631, 766

**GOVERNOR**
Budget message, page 168
Commissioner of Personnel, appointment of–HB 10
Committee to wait upon–HR 8
Gold Cup Marching Contest–SCR 49
Old State House message, page 125
State of the Commonwealth message, page 30

**GRAY, J. R.**
HR 13, 44, 53, 55, 63, 101, 103, 106; HB 112, 128, 136, 187, 269, 300, 341, 345, 346, 366, 367, 384, 405, 407, 413, 445, 447, 477, 483, 516, 533, 546, 555, 654, 679, 682, 727, 730, 732, 755, 777, 799

**GUENTHNER, LOUIS R., JR.**
HR 13, 14, 34, 53, 63, 106, 122; HB 101, 136, 168, 187, 191, 195, 221, 229, 236, 264, 269, 330, 341, 354, 439, 447, 452, 466, 493, 504, 505, 506, 507, 516, 536, 550, 599, 603, 662, 710, 718, 753, 755, 799

**HANCOCK, C. M. (HANK)**
HR 13, 33, 53, 58, 63, 106; HB 15, 30, 34, 35, 39, 47, 58, 62, 83, 84, 85, 255, 348, 392, 393, 396, 402, 415, 416, 422, 437, 451, 480, 481, 482, 534, 625, 669, 670, 683, 723, 728, 755, 756

**HANDICAPPED PERSONS**
Blind, Commission for–HB 437
Disabled persons, rent subsidies for–HB 184
Discrimination prohibition–HB 407
Electricity, residential, sales tax exemption–HB 730
Hearing aid sales–HB 824
Homestead exemption–HB 161
Hunting and fishing licenses–HB 175
Rights of Mentally Retarded, Commission on–SJR 25
Sheltered workshops, state purchasing preference–HB 263
Support for disabled child–HB 89
Transportation on school buses–HB 343
Veterans, motor vehicle registration–HB 471
Voting place accessibility–HB 726

**HARDWICK, CHARLES**
HR 6, 13, 23, 44, 46, 53, 55, 63, 74, 106; HB 47, 68, 75, 136, 161, 168, 172, 173, 179, 193, 194, 195, 196, 197, 198, 199, 200, 202, 216, 229, 242, 253, 259, 264, 269, 277, 285, 292, 307, 308, 309, 320, 328, 341, 345, 352, 363, 417, 500, 516, 581, 702, 703, 715, 732, 755, 778, 792, 793, 802, 846, 852

**HEAD, JOE**
HR 13, 14, 33, 37, 44, 53, 63, 106; HB 136, 150, 189, 190, 220, 221, 319, 321, 333, 341, 402, 416, 447, 493, 656

**HEALTH AND MEDICAL SERVICE**
Advisory Council for Medical Assistance, home health care providers on–HB 509
Ambulance standards–HB 49
Blackbirds, control–HR 29
Canes, sales tax exemption–HB 259
Children, newborn, health insurance coverage–SB 60; HB 209
Community mental health boards–HB 817
Controlled substances, treatment for possession of–HB 724
Dental insurance–SB 112
Diabetic supplies, exemption from sales tax–HB 793
Emergency vehicle, definition of–HB 574
Extraordinary life support measures, discontinuance of–HB 265
Family care home, number of residents permitted–HB 294
Generic drug selection posting in pharmacies–HB 194
Health Services Cost Review Commission–HB 757

**HEALTH AND MEDICAL SERVICE (Cont'd)**
Hearing aid sales–HB 824
Hospitalization of the mentally ill–HB 647
Hospitalization of the mentally retarded–HB 641
Indigent persons, hospitalization for–HB 203
Insurance policies, renewal of–HB 211
Malpractice compensation coverage for employes of U. S. Medical Center–HB 712
Medical assistance, provision of dentures–HB 464
Medical assistance reimbursement for clinics–SB 195
Medical malpractice insurance–SB 248
Medical malpractice liability–SB 249
Medical procedures, refusal to perform–HB 734
Medical records of charts, subpoena for–HB 831
Medical residency positions–SB 28
Mental hospitalization, unwarranted, penalty provisions–HB 145
Municipal hospitals, liability from suit–HB 462
Neonathal Intensive Care Unit, appropriations for–HB 613
Physician assistants–SB 27
Physician directives, typed or printed form–HB 849
Physician licensure, graduates of foreign medical schools–HB 589
Prescription drugs, traffic in–SB 341
Prosthetic devices, sales tax exemption–HB 351
Rabies control–SB 172
Rubella immunization requirement–HB 72
Rural Medical Scholarship fund, expansion of–HB 500
Sudden infant death prevention program–HB 226
Technical Advisory Committee on Primary Care, creation–HB 36
Toluene and toluol, prohibited in glue and paint–HB 391
Tuberculosis, testing for–HB 80
Urban-county board and department of health, create–HB 709

**HIGHWAYS, STREETS AND BRIDGES**
Administrative regulations concerning–HB 498
Betsy, map recognition–HCR 74
Bicycles, licensing of–HB 795
Billboard advertising in urban areas–HB 570
Billboard preservation–HR 142
City and unincorporated streets, county maintenance–HB 663
Coal road funds petition–HR 83
Constables, parking in prohibited areas–HB 621
Covered wooden bridges–SB 259
Designation and maintenance, in certain counties–HB 157
Energy Road Fund–HB 678
Gasoline tax revenue for city streets and roads–HB 54, 553
Guston, map recognition of–HJR 42
Henry Ward Highway–HJR 36
Highway pavement edge markings–HB 311
Maple Mount community on maps–SCR 17
Mining, effect on roads–HB 592
Private road, dedication–HB 85
Reckless driving, definition –HB 83
Resource recovery roads–HB 676
Revenue bonds for, legislative approval –HB 86
Scenic beauty preservation–HR 52
Semi-trailers and trucks on Kyle's Lane, prohibition–HJR 69
Speed limit termination exclusion–HB 430
Speed regulation–HB 159
Thistle control–HB 321
Traffic signals at school crossings–HB 581
Turnpike Authority, corporate status–SB 337
Utilities relocated, cost reimbursement–HB 800

**HISTORICAL AFFAIRS**
Bicentennial Oral History Commission–HB 759
Bicentennial Song–HR 85
City areas preservation–HB 63
County historical societies–HB 638
Covered wooden bridges–SB 259
Kentucky Heritage Commission headquarters–SB 98
National Register of Historic Places, notice of proposed nominations to–HB 141
Peoples Bicentennial Commission, urge no public funds for–HR 34
Perryville, Kentucky Historic Township Commission–HB 834
Pioneer family graveyard preservation–SB 320
Railway museum–HB 799
Site organizations, sales tax exemption–HB 583

**HOLBROOK, CHARLES R. (III)**
HR 13, 23, 63, 106, 127; HB 47, 88, 144, 161, 167, 174, 191, 193, 199, 264, 269, 298, 299, 317, 473, 500, 517, 587, 637, 638, 662, 722, 732, 754, 755

**HOLIDAYS**
Closing public offices–HB 355
Primary and general election days as school holidays–HB 427
Saturday holidays–HB 624

**HOLLOWAY, EDWARD L.**
HR 13, 14, 23, 46, 53, 106, 122; HB 11, 12, 68, 106, 108, 130, 131, 136, 168, 187, 191, 269, 276, 330, 341, 354, 363, 387, 393, 447, 452, 504, 505, 506, 507, 516, 604, 662, 718, 755, 799

**HOPKINS, LARRY J.**
HR 13, 53, 63, 71, 106, 120, 133, 138; HB 27, 72, 75, 79, 82, 88, 91, 94, 99, 136, 180, 191, 201, 218, 233, 235, 241, 252, 259, 264, 269, 305, 330, 417, 488, 489, 535, 569, 589, 601, 662, 732, 755, 806

**HOSPITALS AND NURSING HOMES**
Districts without tax authority–SB 352
Family care home, defined–HB 294
Health Services Cost Review Commission–HB 757
Hospitalization for indigents, contract for–HB 203
Hospitalization of the mentally ill–HB 647
Hospitalization of the mentally retarded–HB 641
Incompetents, status of money deposited for–HB 82
Medical procedures, refusal to perform–HB 734
Medical records or charts, subpoena for–HB 831
Mental hospitalization, unwarranted, penalty provisions–HB 145
Municipal, liability from suit–HB 462
Neonatal Intensive Care Unit, appropriations for–HB 613
Physician directives, typed or printed form–HB 849
Prescription drugs, traffic in–SB 341
Prisoner transfer to state hospitals–HB 251

**HOTELS AND MOTELS**
Safety locks on bedroom doors–SB 307

**HOUSING**
Aged and disabled persons, rent subsidies for–HB 184
Department of Housing, Buildings and Construction, creation of–HB 30
Dilapidated housing, repair or demolition of–HB 377
Housing Rehabilitation Loan Fund, creation of–HB 35
Kentucky Housing Corporation–SB 329
Landlord and Tenant Act, extension to counties with 2nd–HB 282
Low-cost housing–HB 764
Relocation assistance, eligibility–SB 100
Study concerning–HR 58
Urban homesteading enabling act for housing rehabilitation–HB 34

**HUGHES, ROBERT F.**
HR 5, 6, 13, 23, 50, 51, 52, 53, 55, 63, 92, 106, 122; HB 136, 166, 168, 187, 191, 193, 194, 228, 229, 258, 259, 264, 269, 276, 316, 323, 324, 332, 413, 417, 476, 505, 516, 603, 604, 662, 711, 725, 748, 799

**HURST, JOHN**
HR 106; HB 1, 236, 358, 493, 509, 636, 755

**IMES, KENNETH C.**
HR 7, 14, 23, 31, 34, 46, 53, 55, 63, 101, 106; HB 1, 103, 133, 136, 148, 150, 161, 162, 173, 187, 207, 220, 221, 229, 240, 268, 327, 332, 333, 341, 345, 366, 372, 386, 417, 428, 439, 441, 443, 447, 474, 480, 483, 493, 508, 516, 517, 550, 603, 604, 702, 703, 713, 732, 755, 759, 761, 799

**INCOME TAX**
Credit for interest accrued on withholding or estimated tax payments–HB 381
Credits for contributions to institutions of higher learning–HB 232
Exclusions for military personnel and federal retirement annuities–HB 340
Federal annuities, exemption of–SB 156; HB 791
Higher education expense deduction–HB 328
Home improvement deduction–HB 811
Military pay credit–HB 182
Police and firemen's pensions exemption–HB 836
Preparers, identification and verification–HB 556
Public utility companies, exemption for–HB 400
Retirement exclusion–HB 405
Return forms, one page only–HB 380
Standard deduction–HB 14
Standard deduction and computation–SB 203; HB 517

**INHERITANCE TAX**
Exemptions–HB 167, 221, 242, 314, 486
Farmland–HB 502
Spouse's exemption–SB 203; HB 517

**INSPECTIONS**
Duplicative, prohibited–SB 17
Elevator safety inspection fees–HB 124
Elevators, exemptions–HB 493
Labor standards–HB 127
OSHA inspection exemptions–HB 839
Repeal estate tax–HB 635

**INSURANCE**
Agents and solicitors, bond requirement–HB 227
Agents, study of–HR 87
Assets and liabilities of an insurer–HB 566
Bail bond business prohibition–HB 254
City tax, fee for collection of–HB 174
College life policies–HB 212
Company examinations, revolving fund–HB 210
Credit life and health insurance–HB 655
Examination of companies, time for–SB 191
Financial information, publication of–HB 738
Financial responsibility repeal–HB 532
Foreign life insurance companies, premium tax exemption–HB 393
Group term life policy limit repeal–SB 240
Health and accident policies–SB 112
Health and life coverage for General Assembly members–SB 147
Health policies, practitioners' reimbursement–HB 413
Hospitalization, surgical, or medical, renewal of–HB 211
Insurance company investment in subsidiaries–SB 283
Interest on unpaid claims–HB 829
Liability, purchase of for boards of education–SB 157; HB 563
Life claims, maximum time before settlement–HB 230
Limitation of tort liabilities consent for–HB 422
Medical malpractice claims–SB 248, 249
Minimum standards, valuation of policies and contracts–HB 566
Motor vehicle
  damage, no-fault coverage–HB 216
  insurance, no fault–HB 741
  liability deductibles–HB 473
  liability requirement–HB 515
  registration, liability coverage prerequisite–HB 721
Motorcycles, exclusion from definition of motor vehicles–SB 179
Newborn child coverage–SB 60; HB 209
Policy summary requirement–HB 269
Premium tax, certificates of contribution as amounts in financial statements–HB 600
Public employes' health coverage–HB 37
School accident insurance–HB 804
School employees' insurance coverage–HB 74
Volunteer service drivers, coverage for–HB 523
Workmen's compensation insurance–HB 429

**INTEREST AND USURY**
Insurance claims unpaid–HB 829
Insurance premium accounts, late charges on–HB 754
Judgment interest exemption–HB 364

**INTERSTATE COOPERATION**
Corrections Compact, hearing by parole board of another state–SB 294
Interstate Agreement on Detainers–SB 356
National Conference of State Legislatures, LRC participation–HB 406
Southern Interstate Nuclear Board member selection–HB 140

**ISLER, JOHN J.**
HR 13, 20, 22, 26, 46, 63, 70, 106; HB 32, 53, 54, 136, 161, 180, 193, 233, 234, 300, 344, 396, 414, 466, 492, 672, 687, 716, 732, 734, 787, 837

**JAILS AND JAILERS**
Compensation of Jailers–HB 253
Deputies, appointment of–SB 288
Maintenance of county buildings–HB 375
Prescription drugs, traffic in–SB 341
Working of prisoners–SB 30

**JONES, BOB**
HR 13, 33, 105, 106; HB 136, 180, 254, 264, 269, 277, 390, 416, 447, 466, 671, 732, 755, 812, 845, 859

**JUDGES AND COMMISSIONERS**
Compensation increment–HB 558
County Judges, expense payment increment–SB 273
Election procedures–HB 438
Intimidating a judicial officer–SB 364
Judicial Nominating Commissions–HB 186
Judicial Retirement and Removal Commission–SB 274
Petition to Congress concerning federal judiciary–HCR 65
Recall consideration by petition–HB 177
Retirement system–HB 431
State judgments reporting–HB 335

**JUDICIAL ARTICLE REVISION**
Court of Appeals, definition–HB 432
Judicial Nominating Commissions–HB 186
Judicial support agencies and personnel–HB 544
Omnibus revision–HB 731
Unified court system financing–SB 330

**JUDICIAL DISTRICTS**
Caldwell, Lyon Trigg, creating district for–HB 150; page 1429
Jefferson Circuit Court, number of judges–HB 389
Third and Fourth, redefinition of–HB 150; page 1429

**JURIES AND JURORS**
Compensation increment–HB 277
Coroners' juries, compensation increment–HB 425
  Leave for teachers and state employes to serve as–SB 251
Selection of–HB 611

**JUSTICES AND MAGISTRATES**
Magistrates, per diem allowance for fiscal court duty–HB 520
State judgments reporting–HB 335

**KELLY, STUART**
Elected Sergeant at Arms, page 9

**KENTON, WILLIAM G.**
HR 53, 60, 63, 100, 106, 108, 120, 138; HB 32, 38, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 63, 64, 201, 395, 732, 838
Elected Speaker, page 8

**KIDD, MAE STREET**
HR 13, 16, 40, 41, 67, 75, 79, 122; HB 79, 146, 163, 164, 184, 239, 269, 276, 354, 407, 555, 575, 732, 799

**KING, PHILLIP E.**
HR 13, 22, 26, 53, 63, 106; HB 21, 23, 27, 95, 96, 136, 161, 180, 269, 367, 384, 414, 419, 452, 460, 532, 585, 665, 708, 716, 732, 734, 768, 813

**KLEIER, JERRY**
HR 13, 40, 41, 48, 63, 67, 95, 96, 106, 113, 117, 120, 122; HB 36, 37, 48, 49, 52, 81, 145, 191, 264, 269, 276, 292, 354, 391, 407, 447, 460, 463, 464, 465, 466, 531, 536, 546, 555, 556, 574, 575, 576, 577, 591, 597, 648, 662, 755, 779, 807, 810, 811, 843, 846

**LABOR**
AFL-CIO, member on state fair board–HB 546
Age discrimination in employment and training programs–HR 111
Agricultural workers, definition for minimum wage–HB 373
Applications, designation of race, color or religion prohibited–HB 843
Apprenticeship programs, age limitations–HB 134
Child labor–HB 125
Claims, statutes of limitations expiration–HB 727
Deductions from wages, restrictions on–HB 116
Disability benefit payments–HB 682
Discrimination, based on age–HB 134
Discrimination, based on sex–HB 128
Dismissal, compensation following–HB 119
Disputes, restraining or enjoining orders in–HB 533
Elevator inspection fee–HB 208
Employe gratuities withholding–HB 117
Employment agencies–SB 75
Employment of youth, urge legislation for–HCR 67
Employment practices–HB 187
Help wanted ads, employer identity–HB 612
Inspections for compliance with labor standards–HB 127
Kentucky Employment Advisory Council–SB 75
Mechanics and material men's lien, definition of–HB 580

**LABOR (Cont'd)**
Minimum wage increase–HB 122
Occupational disease benefits, maximum and minimum–HB 571
OSHA inspection exemptions–HB 839
Overtime compensation requirement exemptions–HB 650
Overtime, exemption of taxicab companies–HB 436
Pneumoconiosis fund–HB 614
Prevailing wage, fringe benefit requirement–HB 773
Prevailing wage, "locality" defined–HB 129
Public employe bargaining–HB 300
Public employes' collective bargaining, referendum on–HJR 4
Public employes, wage deductions for union dues–HB 790
Public works construction, employment of Kentucky or unionized laborers–HB 542
Semi-monthly pay period–HB 123
Strikebreaking–HB 112
Unemployment compensation
  benefits after transfer–HB 103
  benefit maximum–HB 104
  eligibility–HB 111, 132, 133
  employer's liability–HB 192
  offices–HB 286
  suitable work under–HB 105
  wage definition–SB 32
Wage deductions, limitations on–HB 367
Wage deductions, statement showing–HB 121
Wage definitions–HB 118
Wages withheld under contract–HB 313
Workmen's compensation
  administration–HB 429
  annual adjustment of income benefits–HB 110
  attorney's fee regulation–HB 329
  black lung claims–HB 107
  black lung fund–HB 130
  chiropractic services–HB 346
  claims paid decedent's estate–HB 510
  coal workers' fund–SB 142
  cross-appeal–SB 146
  designated of owners as employes–HB 100
  disability benefit–HB 109
  exemptions–HB 106, 418
  extension of claim filing period–HB 101
  hearings on claims–HB 477
  Occupational disease claim payment–HB 131
  Special Fund reimbursement–HB 450
  security compliance filing requirements–HB 108
  travel expenses by claimants–HB 844
  Uninsured Employers Fund–HB 568

**LANDLORD AND TENANT**
Forcible detainer action–SB 149
Landlord and Tenant Act, extension to counties with 2nd–HB 282
Rent attachment, recovery of rent through–SB 25
Uniform act applicability–HB 395

**LAND USE**
Improvements for public–SB 168
Land Conservation and Development Commission created–SB 14
Nature preserves system–SB 155

**LEGAL ACTIONS**
Adoption consent filing–HB 289
Adoption proceedings, residence requirement–HB 733
Antitrust–HB 646
Attachments–SB 23
Comparative fault, contributory fault not to bar recovery–HB 236
Comparative fault, elimination of "last clear chance" doctrine–HB 599
Consumers' claims and defenses–SB 220
Court of Appeals, procedure before–SB 161; HB 432
Damage recovery, assaults by minors–HB 305
Defense of indigent persons–SB 266
Department for Natural Resources and Environmental Protection–HB 456
Disclaim by deed, legatee's authority–HB 766
Eminent domain, omnibus revision–HB 93
Environmental protection litigation–HB 271
Fiduciary committee appointment precedence–SB 148
Forcible detainer action–SB 149
Holder of lien against livestock pursuit of remedy by–HB 1
Incompetency proceedings–HB 642
Indigents, defense of; definitions–HB 95
Infamous crimes classified–HB 617
Judgment interest exemption–HB 364

**LEGAL ACTIONS (Cont'd)**
Judgments, damages for collection stay–SB 160; HB 434
Medical records or charts, subpoena for–HB 831
Mortgage enforcement expenses–HB 467
Municipal hospitals, liability from suit–HB 462
Noise pollution enforcement actions–HB 519
Peace bonds–HB 479
Property damages by minors, parents' liability–HB 218
Rent attachment, recovery of rent through–SB 25
Sovereign immunity, abolition of–HB 781
Tort liability limit consent–HB 422
Venue of contract actions–HB 446

**LEGISLATIVE RESEARCH COMMISSION**
Administrative procedures legislation–HB 137
Age discrimination in employment and training programs–HR 111
Appropriation for session expenses–HJR 12
Biennial review of legislative compensation–HB 169
Budget, biennial–SB 359
Budgeting and financial impact of legislation–HB 51
Building and housing study–HR 58
City employes–HR 104
Coal gasification plant location–HR 47
Conflict of interest study–HJR 3
Constitutional Convention, program of public information and hearings–HJR 11
Consumer education programs study–SJR 43
Educational issues study–HJR 61
Education statutes study–SJR 11; HJR 25
Elections study–HR 41
Electrical utility rates study–HR 55
Execution methods study–HR 98
General Assembly bills, fiscal analysis requirement–HB 8
General Assembly Solicitor General, appointment of–HB 90
Insurance agents, study of–HR 87
Interim committees, subpoena authority–HB 810
Interim Joint Committee on Business Organizations and Professions–HR 119
Internal Security Committee–HJR 46
Kindergarten programs study–HR 124
Legislative proposals preparation–HB 363
Legislative Record distribution–HB 411
Lifeline telephone service–HR 49
Membership increment–HB 707
Municipal utilities, PSC jurisdiction study–HR 86
National Conference of State Legislatures, participation in–HB 406
Non-certified school employes retirement study–HR 115
Personnel practices study–HJR 27
Police mandatory training of study–HR 90
Privacy, appoint committee to study–SJR 13
Privacy and records management study–HJR 32
Public assistance employment, subcommittee on–HR 117
Radioactive waste disposal study–HJR 100
Rights of Mentally Retarded, Commission on–SJR 25
Sewer systems study–SJR 41
Short term general assistance study–HB 81
Task Force on Short-Term Emergency Assistance–HR 96
Teachers' fringe benefits study–HJR 64
Waste water and sanitary sewerage disposal study–HR 122

**LeMASTER, JIM**
HR 13, 44, 62, 63, 79, 106, 120, 138; HB 136, 167, 172, 173, 201, 236, 241, 269, 294, 355, 368, 464, 493, 517, 547, 587, 599, 726, 732, 755, 792, 801, 806

**LIBRARIES**
Archives and Records Commission membership–HB 288
County law library support, tax levy for–HB 514
Law library–HB 544
Legislative Record distribution–HB 411
Regional district trustees–HB 783
State Advisory Council on Libraries–HB 783
Urban county law library taxed, attorney fees for–HB 94

**LICENSING**
Alcoholic beverages on airlines–HB 301
Ambulance operators–HB 49
Attorneys–HB 846
Barbers, denial of license for felony conviction–HB 27
Barbers, increase annual license fees–SB 151; HB 21
Bicycles, licensing of–HB 795
Blasters–SB 211
Cable television systems–HB 557

**LICENSING (Cont'd)**
Certified Public Accountants and Public Accountants–HB 29
Chiropractors–HB 758
Citizen member on professional boards–SB 346
Dental hygienists–HB 690
Dentists, renewal fee–SB 375; HB 828
Driver training schools–HB 315
Electrical inspectors–HB 561, 706, 729
Ethical practices by professionals–HB 598
Funeral directing, definition of–HB 162
Graduates of foreign medical schools–HB 589
Hearing aid specialists, licensure of–HB 371
Hunting and fishing–HB 175
Insurance agents, bond requirement–HB 227
Livestock dealers licensure–SB 256
Malt beverage license fees–HB 788
Marriage certificate, deletion of race reference–HB 88
Master plumbers, licensing requirements–HB 785
Mine license fees–SB 261
Mine licensing, exemption of small firms–HB 102
Minors, hiring by ABC licensees–HB 756
Mobile home and recreational vehicle dealers, temporary licensure–SB 339
Mobile home and recreational vehicle regulation–SB 188
Motor vehicle and motorcycle operators, fee for–HB 292
Motor Vehicle
  certificates of title–HB 662
  Dealers Board membership–SB 299
  December registration display–HB 135
  liability insurance prerequisite–HB 721
  operators, blood alcohol test refusal–SB 20
  personalized plates for–SB 223; HB 273
  plates for National Guard–SB 244
  plates, reflectorization deletion–SB 61; HB 512
  registration fees–HB 426
  registraton, time for–HB 543
Motor bikes, regulatory exemption–HB 618
Motorized bicycles–HB 780
Occupational licensing of ex-offenders–HB 16
Occupational therapists–HB 536
Occupations and professions, commission to evaluate license laws–HB 23
Optometrists, use of diagnostic pharmaceutical agents–HB 396
Physician Assistants, certification–SB 27
Plumbers, jurisdiction and fees–SB 297
Plumbers, renewal probation–HB 786
Plumbing contractors, licensing requirement–HB 262
Proprietary education, regulation–HB 763
Real estate agents–HB 19
Real Estate Commission, increase membership on–SB 68
Real estate licensure educational requirements–HB 20
Registration of public accountants–HB 258
Shorthand reporters, certification–HB 22
Small winery license–HB 368
Social workers–HB 584
Social workers, examination fees–HB 540
Trailers, registration exemption deletion–HB 855
Veterinarians, continuing education requirement–SB 145; HB 484
Volunteer fire departments, vehicle license tags–HB 778

**LIENS**
Architects' liens–HB 206
Livestock or grain, lien against–HB 1
Mechanics and material men's, definition of owner-occupant–HB 580
State Fair Board, first mortgage–SB 190

**LINDSAY, GROSS C.**
HR 13, 48, 63, 81, 106; HB 86, 261, 265, 290, 315, 422, 521, 599, 626, 627, 628, 629, 667, 722, 857

**LITTLE, N. CLAYTON**
HR 13, 23, 53, 59, 63, 106; HB 68, 74, 75, 76, 136, 168, 241, 264, 269, 277, 278, 295, 296, 297, 308, 347, 382, 402, 416, 440, 454, 479, 486, 493, 494, 500, 516, 522, 543, 578, 589, 601, 616, 654, 732, 745, 755

**LIVESTOCK, POULTRY AND ANIMALS**
Abandoned animals–SB 144; HB 541
Beef Cattle, check-off or assessment–HB 339
Beef imports limitation–HR 44
Cruelty to animals, reporting–HB 453
Dealers licensure–SB 256
Fairs, promotion–HB 579

**LIVESTOCK, POULTRY AND ANIMALS (Cont'd)**
Leg-hold trap, prohibited–HB 385, 433
Lien against–HB 1
Rabies control–SB 172
Rabies vaccine sales–HB 725
Supplies, exemption from sales tax–HB 173

**LOANS AND CREDIT**
Business development corporations, loans to–HB 850
Credit reports, dissemination–HB 155
Data collection, study of–HJR 32
Defrauding secured creditors, penalty–HB 661
Holder-in-due-course–SB 220; HB 113
Housing Rehabilitation Loan Fund, creation of–HB 35
Industrial development loan guarantees–HB 704
Investments by financial institutions–SB 136
Liens, mechanic's, definition of owner-occupant–HB 580
Mortgage enforcement expenses–HB 467
Petty loans, charges and maximum amount–HB 408
Prudential depositors, state reimbursement of–HB 609
Time price differential maximum–HB 397

**MALT BEVERAGES**
Excise tax credit–HB 17
License fee increments–HB 788

**MANN, TERRY L.**
HR 13, 22, 26, 44, 53, 63, 106, 119; HB 16, 17, 18, 20, 22, 23, 25, 26, 27, 69, 71, 73, 78, 123, 136, 180, 217, 226, 233, 234, 237, 241, 254, 264, 269, 280, 281, 282, 300, 355, 396, 402, 407, 414, 444, 460, 466, 484, 522, 540, 541, 597, 599, 618, 619, 653, 663, 665, 710, 734, 750, 755, 768, 787, 798, 856, 857

**MARSTON, EVELYN**
Elected Assistant Clerk, page 9

**MASON, DAVID GRAY**
HR 13, 92, 106, 125, 126, 139, 140; HB 65, 66, 68, 83, 84, 85, 87, 136, 167, 168, 202, 254, 264, 269, 277, 278, 348, 390, 402, 416, 517, 548, 635, 637, 638, 732, 755, 781, 829, 845, 858, 859

**MAY, WOODY**
HR 13, 23, 44, 53, 63, 66; HB 148, 172, 173, 229, 277, 396, 452, 484, 493, 732, 755

**MAYNARD, LAWRENCE RAY**
HR 13, 41, 53, 63, 122; HB 80, 136, 144, 154, 191, 254, 264, 269, 276, 292, 343, 351, 354, 407, 436, 464, 466, 500, 513, 597, 648, 662, 755, 810, 811, 854

**McBEE, BILL**
HR 13, 22, 26, 37, 40, 48, 53, 63, 80, 106; HB 19, 24, 135, 136, 180, 241, 361, 396, 444, 557, 606, 665, 716, 720, 732, 755

**McBRIDE, JOSEPH**
HR 13, 48, 53, 63, 106; HB 230, 231, 408, 446, 500, 654,
Remarks on leadership, page 2074

**McGILL, CHARLOTTE S.**
HR 13, 16, 40, 53, 63, 67, 106, 122; HB 88, 92, 98, 100, 104, 107, 136, 191, 276, 466, 546, 574, 575, 576, 577, 597, 662, 732, 755, 796, 799

**MEMORIALS**
Cecil, Edward Dant–HR 51
Elliot, Jimmy–HR 45
Hallahan, James P.–HR 43
Hammond, Martin–SR 29
Harrod, Evan K.–HR 139
Heathman, Mary Beth–HR 114
Henry Ward Highway–HJR 36
Hinkle, Brooks–HR 20
Holland, W.L.–HR 110
Jones, Dr. William Harrison–HR 63
Kincaid, Garvice D.–HR 116
King, Dr. Martin Luther–HR 16
Louden, W.J.–HR 18
Miners of Scotia No. 1–HR 106
Mitchell, Rena–HR 125, 140
Peyton, Harold–HR 28
Phillips, Don–HR 26
Pickard, William Francis–HR 31

**MEMORIALS (Cont'd)**
Priddy, Paul–HR 53
Roberts, Dan J.–HR 48
Scotia miners–HR 109, 118
Wermeling, Albert A.–HR 121
Zaleres, Tom–HB 26

**MEN**
Discrimination based on sex–HB 128
Equal Rights Amendment, rescind ratification–HJR 7
Permanent waves, application of–HB 634

**MENTAL HEALTH**
Community board membership–HB 817
Hospitalization of the mentally ill–HB 647
Hospitalization of the mentally retarded–HB 641
Incompetency proceedings–HB 642
Incompetents, release from state institution–HB 82
Protection of adults–SB 230
Rights of Mentally Retarded, Commission on–SJR 25
Unwarranted incompetency proceedings, penalty provisions–HB 145

**MILITARY AFFAIRS AND CIVIL DEFENSE**
Military reserve, income tax credit–HB 182
Motor vehicle plates for National Guard–SB 244
National Guard Education Fund–SB 141
Occupational license tax, counties with 1st, exemption–SB 116
Reserve forces, occupational license tax exemption–HB 170
U.S. military reserve, license tax exemption–HB 181
Workmen's compensation benefits–SB 243

**MINING**
Broad form deed–HB 701
Clay, revocation of license–HB 668
Coal and clay, regulation stringency–HB 654
Coal miners black lung fund–HB 130
Coal severance and franchise tax–HB 494
Explosives, regulation–SB 211
License fees–SB 261
Licensing, exemption of small firms–HB 102
Mineral interests, lapse of–HB 308
Minerals taxation, study–HR 59
Quarries and pits, safety standards for–HB 120
Reclamation regulations, application date–HB 490
Scale inspection fees–SB 261
Severance tax increment–HB 677
Strip mine
  bond requirement increment–HB 459
  permit application notice–HB 626
  permit applications and reclamation plans–HB 667
  permit suspension hearing–HB 744
  reclamation plan approval–HB 697
Surface mine safety rules–HR 88
Underground coal mining licenses, revocation–HB 668
Underground, surface effects–HB 592

**MORGAN, FRED H.**
HR 18, 23, 53, 55, 63, 82, 106; HB 28, 78, 205, 206, 254, 371, 447, 480, 481, 482, 483, 552, 625, 732, 770

**MORRIS, H. RAMSEY, JR.**
HR 13, 35, 44, 53, 63, 106, 134; HB 62, 136, 148, 150, 191, 193, 291, 307, 378, 493, 500, 732, 746, 755, 795, 799, 809, 839, 840, 847

**MOTOR CARRIERS**
Brake requirements and weight limits–SB 263
Mileage limitations for reduced weight tax fees–HB 342
Operating rights abatement–HB 595
Property tax, apportionment of–SB 258
Semi-trailers and trucks on Kyle's Lane, prohibition–HR 69
Taxicabs, motor fuel tax exemption for–HB 244
Weight tax reduction–SB 96

**MOTOR VEHICLES**
Accident reporting–SB 298
Accident reports–HB 344
Accidents, duties at scene of–HB 87
Accidents, operator's duties following–HB 728
Certificate of title law–HB 662
Constables, use of flashing blue lights–HB 736
County auxiliary police, use of blue lights and police radios–HB 594

**MOTOR VEHICLES (Cont'd)**
DWI, amendment of charge and penalty concerning–HB 508
Damages, no-fault coverage–HB 216
Dealer licensing board membership–SB 299
Disabled veterans, sticker–HB 304
Driver training schools–HB 315
Emergency vehicle, definition of–HB 574
Financial responsibility repeal–HB 532
Handicapped veterans, registration by–HB 471
Inoperable vehicles, removal of–HB 852
Inspection by sheriff if unregistered–HB 740
Insurance, no fault–HB 741
Junk vehicles, removal from private property–HB 794
Liability insurance deductibles–HB 473
License plates, personalized–SB 223; HB 273
License plates, reflectorization deletion–SB 61
Licensing and registration, time for–HB 543
Limitation of tort liabilities consent for–HB 422
Merchantability–HB 771
Misdemeanor violations–HB 814
Mileage limitations for reduced weight tax fees–HB 342
Motor fuel tax, LP gas exemption–HB 629
Motor vehicle registration fees–HB 426
Motorbikes, regulatory exemption–HB 618
Motorcycles, exclusion from definition of motor vehicles–SB 179
Motorized bicycles–HB 780
Municipal parking authorities–HB 451
National guard, license plate identity–SB 244
"New Car Lemon Bill"–HB 115
Odometer alterations prohibition–HB 322
Operator's license, fee for–HB 292
Operator's license revocation, blood alcohol test, refusal–SB 20
Operators licenses, chauffeurs, motorcycles–SB 263
Operators, list of used for selection of jurors–HB 611
Parking by veterans–HB 136
Reckless driving, definition–HB 83
Registration automation–HB 87
Registration, duplicate, fee for–SB 13
Registration, generally–SB 263
Registration, in December, display of–HB 135
Registration, liability coverage evidence for–HB 515
Registration, liability insurance prerequisite–HB 721
Speed limit termination exclusion–HB 430
Speed regulation–HB 159
Trailers, registration exemption deletion–HB 855
Truck weight tax–SB 96
Uniform Vehicle Code provisions–HB 84
Usage tax–HB 3, 148, 152, 220, 222, 302, 702, 703, 713
Used car sales, previous owner information–HB 652
Volunteer fire departments, official license tags for–HB 778
Warranty requirements–HB 115

**MUNCY, CHARLES P.**
HR 13, 46, 53, 63, 90, 106; HB 136, 161, 172, 179, 196, 199, 232, 242, 243, 270, 277, 278, 307, 328, 341, 367, 384, 419, 427, 447, 452, 500, 503, 504, 506, 507, 514, 555, 578, 601, 616, 719, 732, 744, 755, 767, 777, 794, 799, 860

**NEGOTIABLE INSTRUMENTS**
Assignees of commercial paper, defenses subject to–HB 113
Presumption of abandonment of sum payable–HB 365

**NETT, CARL A.**
HR 1, 27, 37, 41, 53, 63, 106, 113, 122; HB 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 68, 69, 78, 191, 201, 225, 237, 276, 330, 350, 354, 388, 396, 407, 442, 460, 466, 487, 523, 576, 582, 662, 734, 799, 810

**NEWS MEDIA**
City and county ordinance publication–HB 44
Editorials, signature of–HB 774
Help wanted ads, employer identify–HB 612
Presence authorized at vote count–SB 176

**NOISE CONTROL**
Enforcement actions–HB 519

**NOTARIES**
Acts performed outside state–HB 694

**NOTICES**
Environmental violations–HB 820
Heritage Commission, proposed nominations to National Register of Historic Places–HB 141
State agencies, use of postcards by–HB 853
Strip mining permit application–HB 626

**NUCLEAR ENERGY**
Radioactive waste disposal excise tax–HB 838

**NUISANCES**
Blackbirds, control–HR 29
Harassing telephone communications–HB 608
Johnson grass control–HB 319
Pest control–HB 62
Smoking areas in public places–HB 693

**O'BRIEN, MARK D.**
HR 1, 6, 13, 23, 46, 53, 93, 106, 113, 122, 136; HB 3, 6, 7, 11, 12, 13, 14, 65, 66, 68, 136, 168, 175, 187, 191, 201, 276, 292, 330, 363, 387, 420, 423, 425, 474, 504, 505, 506, 516, 662, 718, 732, 755, 804, 827, 835, 836

**OCCUPATIONAL SAFETY AND HEALTH**
Elevator safety repeal–HB 372
Freight elevators, restrictions removed–HB 386

**OCCUPATIONS AND PROFESSIONS**
Architects' liens–HB 206
Attorneys, procedures concerning–SB 159; HB 433
Attorneys, specialization board–HCR 19
Barbers and beauticians, practice in same shop–HB 680
Barbers, denial of license for felony conviction–HB 27
Barbers, hairdressing by–HB 634
Barbers, increase annual license fees–SB 151; HB 21
Boards regulatory, technical assistance and advice to–HB 559
Certified Public Accountants and Public Accountants–HB 29
Chiropractors licensure–HB 758
Citizen member on boards–SB 346
Commission to evaluate new licensing proposals and present laws–HB 23
Dental hygienist, licensure and training–HB 690
Driver training schools–HB 315
Electrical inspectors, certification–HB 561
Funds, of licensing boards, transfer to general fund–HB 280
Funeral directing, definition of–HB 162
Funeral directors, itemization of services–HB 535
Hearing aid sales–HB 824
Hearing aid specialists, licensure of–HB 371
Licensing of ex-offenders–HB 16
Master plumbers, licensing requirements–HB 785
Medical procedures, refusal to perform–HB 734
Occupational therapists, licensure–HB 536
Optometrists, use of diagnostic pharmaceutical agents–HB 396
Pharmacists, required to post generic drug selection–HB 194
Physician Assistants–SB 27
Plumbers, license renewal probation–HB 786
Plumbers, licensure–SB 297
Plumbing code violation–HB 263
Plumbing contractors, licensure–HB 262
Professionals, definition and ethics of–HB 598
Real estate agents, licensure–HB 19
Real Estate Commission, increase membership on–SB 68
Real estate licenses, educational requirements–HB 20
Shorthand reporters, certification–HB 22
Social workers–HB 584
Social workers, examination fees–HB 540
Special law enforcement officers–SB 267
Veterinarians, continuing education requirement–SB 145; HB 484

**OIL AND GAS**
Fractional undivided interests included in definition of "security"–HB 334
Oil wells, distance between–SB 185

**OPTOMETRISTS**
Eyeglasses, advertising of–HB 577

**OVERSTREET, RAYMOND**
HR 13, 45, 53, 62, 63, 95, 106, 117; HB 92, 136, 191, 200, 223, 269, 357, 384, 396, 417, 461, 468, 555, 588, 662, 701, 711, 718, 730, 732, 747, 819, 820
Elected Minority Whip, page 9

**PARENTAL RIGHTS**
Illegitimate fathers–HB 691
Involuntary termination–HB 715
Voluntary termination–HB 692

**PARKS AND SHRINES**
Railway museum–HB 799

**PARTNERSHIPS**
Designation of owners as employes–HB 100

**PEACE OFFICERS**
Airport security personnel–HB 572
Airport security personnel, peace officer status–HB 518
Constables, parking in prohibited areas–HB 621
Constables, use of flashing blue lights–HB 736
Constables in certain counties, salary increment–HB 620
Fees for summoning witnesses–HB 606
Special Law Enforcement Officer Act–SB 267
Special sheriffs' deputies–SB 224

**PEARL, NICK L.**
HR 13, 37, 44, 53, 63, 85, 106; HB 136, 160, 167, 172, 173, 179, 201, 307, 340, 390, 396, 467, 468, 471, 474, 493, 599, 732, 733, 755, 791, 833

**PERSONNEL**
Cost of living pay increment–HB 482
Expense allowance, fixed daily amount–SB 171
Human Resources, moratorium on hiring–HB 439
Mandatory retirement at 70–HB 538
Moving expense reimbursement–HB 480
Omnibus revision–HB 696
Payroll deduction, purchase of military service credit by–HB 392
Sick leave credit upon retirement–HB 481
State, annual evaluation–HJR 1
State Commissioner of, qualifications and procedures for appointing–HB 10
State, exit interview program and annual turnover analysis–HB 9
State, holding local public office by–HB 645
State personnel examination, provision for ex-offenders–HB 848
State work appraisal standards–HB 13

**PHYSICIANS AND PRACTITIONERS**
Child abuse, reporting and penalties–SB 197
Chiropractors licensure–HB 758
Dental hygienists, licensure and training–HB 690
Dental insurance coverage–SB 112
Dentists, licensure renewal fee–SB 775; HB 828
Extraordinary life support measures, discontinuance of–HB 265
Health insurance service reimbursement–HB 413
Health Services Cost Review Commission–HB 757
Licensure, graduates of foreign medical schools–HB 589
Medical malpractice insurance–SB 248
Medical malpractice liability–SB 249
Medical procedures, refusal to perform–HB 734
Medical records or charts, subpoena for–HB 831
Medical residency positions–SB 28
Physician Assistants–SB 27
Physician directives, typed or printed form–HB 849
Prescription drugs, traffic in–SB 341
Rural Medical Scholarship fund, expansion of–HB 500

**PLANNING AND ZONING**
Airport zoning commission administrator–HB 573
Amendment notice requirements–HB 303
Commission members, nonconsecutive terms–HB 548
Land Conservation and Development Commission created–SB 14
Office of State Planning created–HB 499
Planning unit, dissolution and–HB 670
Referendum on–HB 65
Zoning, adoption by reference–HB 45

**PLUMBERS AND PLUMBING**
Contractors, licensure–HB 262
Licensing, jurisdiction and fees–SB 297
License renewal probation–HB 786
Master plumbers, licensing requirements–HB 785
  Plumbing code violation–HB 263

**POLICE, CITY AND COUNTY**
Arson investigators as police officers–HB 808
Basic training course for–SB 118
Charges against, hearings on–HB 585
Child charged with offense, release–SB 21
County auxiliary police, use of blue lights and police radios–HB 594
Countywide arrest power, cities of 2nd–HB 798
Deadly physical force, use of–SB 95
Merger with fire department–HB 812
Pension, income tax exemption–HB 836
Pensions, cities of 3rd, credit for military service–HB 268
Police monitoring radio units–SB 253
Radios, delete private use prohibition–HB 323
Residence in cities of 4th and 5th–SB 242; HB 353
Retirees, survivors' benefits–HB 665
Retirement age, cities of 2nd–HB 770
Retirement, cities of 2nd–HB 687
Retirement, cities of 3rd–HB 797
Tax exemption on retirement benefits–HB 317
Training, requirement study–HR 90

**POLICE, STATE**
Authority in cities–SB 216
Basic training course for–SB 118
Criminal history records system–SB 295
Drug traffic near military bases–HR 35
Early retirement–HB 507
Felons, persistent, reports on–HJR 39
Highway beauty preservation–HR 52
Off-duty service–HB 398
Overtime pay–HB 659
Police monitoring radio units–SB 253
Prohibits certain overtime pay–HB 657
Promotion to Sergeant–HB 287
Radios, delete private use prohibition–HB 323
Retirement, after 20 years–HB 495
Retirement, benefit computation factor increment–HB 504
Retirement, computation of highest average monthly wage–HB 506

**POLLUTION**
Actions to prevent–HB 820
Ambient air and water quality–HB 458
Hearing officer's report deadline–HB 819
Noise control enforcement–HB 519
Pollution Abatement Authority–SB 342

**POVERTY**
General Assistance Program, indigent persons–HB 81
Illegitimate children, public assistance for–HB 309
Indigents, funeral expense allowance–HB 461
Medical assistance, provision of dentures–HB 464
Out-of-wedlock children, limit aid to–HB 332
Outreach programs, establish–HB 376
Public assistance and food stamps, eligibility for–HB 847
Task Force on Short-Term Emergency Assistance–HR 96

**PRIDDY, DOTTIE**
HR 2, 23, 41, 46, 53, 63, 72, 106, 122; HB 68, 82, 112, 116, 118, 119, 123, 124, 128, 136, 168, 187, 191, 193, 258, 264, 269, 276, 292, 300, 303, 341, 346, 363, 367, 384, 396, 407, 410, 413, 476, 483, 504, 505, 506, 507, 516, 546, 555, 603, 604, 648, 662, 710, 719, 732, 748, 755, 823

**PROBATION AND PAROLE**
Corrections Compact, hearing by parole board of another state–SB 294
Eligibility requirement–SB 270; HB 144, 717
Interstate Agreement on Detainers, applicability–SB 356
Juvenile offenders–HB 293
Robbery conviction, minimum time for–HB 166
Violation of probation–SB 271
Vocational training for inmates–SB 214
Work-release–SB 269

**PROPERTY**
Aliens, ownership by–HB 468
Attachment of personal property–SB 23
Damages by minors, parents' liability–HB 218
Hunting and fishing on private property–HB 179
Land use planning, owners' protection from–HR 135
Motor vehicles, inoperable, sale of–HB 852
Presumption of abandonment of sum payable on written instrument–HB 365
Privately owned, relinquished to public–SB 168
Recording instrument of title, signature by transferee–HB 722

**PROPERTY TAX**
Ad valorem assessments, state, local use–SB 277
Agricultural land, taxation–SB 1
Assessment, date for valuation–HB 747
Assessment, interest held by public body–HB 669
Assessments of benefited property for public works–HB 688
Cities, use of property valuation administrators assessment–HB 39
Compensating tax rate of cities–HB 61
Delinquent, penalty for–SB 119
Fire district taxes, fee for collection of–HB 610
Homestead exemption definition–HB 569
Homestead exemption for disabled–HB 161
Local tax effort for schools, agricultural land assessment under–HB 698
Motor carriers, apportionment of–SB 258
Motor vehicle requirement–HB 7
Municipal service charges against state owned real property–HB 15
Overpayment refund–HB 637
PVA compensation–HB 455
Power Equalization Fund increments–HB 4
Property tax payment at banks–HB 752
School budgets, tax rate limits–SB 279
Solar heating, constitutional amendment on–HB 656
Tax bills, form of–HB 856

**PUBLIC ASSISTANCE**
AFDC, Suitable Home Law, repeal–SB 174
Employment of recipients–HR 117
General Assistance Program, indigent persons–HB 81
Illegitimate children, benefits for–HB 309
In-home services for elderly–SB 347
Medical assistance, provision for dentures–HB 464
Medical assistance, reimbursement for clinics–SB 195
Out of wedlock children, limit aid to–HB 332
Outreach programs, establish–HB 376
Public assistance and food stamps, eligibility for–HB 847
Task Force on Short-Term Emergency Assistance–HR 96
Technical Advisory Committee on Primary Care, creation–HB 36

**PUBLIC AUTHORITIES**
Mass transit financing–HB 716
Sewer and waste water management authority–HB 551
Tennessee Valley Authority–HR 103
Transit authorities, creation of–HB 31

**PUBLIC BUILDINGS AND GROUNDS**
Architectural and engineering work on–HB 801
Fiscal court maintenance of–HB 375
Municipal service charges against state owned real property–HB 15
Property and Buildings Commission, definition of–SB 344
School buildings, smoking in–HB 178
State contract with city of Frankfort for municipal services–HB 700
State Fair Board, lease of land–SB 190
Toilets for pay prohibited–HB 428

**PUBLIC DEFENDER**
Affadavit by indigents–HB 370
Appointment to aid respondent in incompetence proceeding–HB 642
Confined needy, defense of–HB 845
Legal defense of indigent persons–SB 266
Serious crime definition–HB 95

**PUBLIC ETHICS**
Board of Ethics appropriations–SB 369
Conflict of interest study–HJR 3
Financial disclosure–HB 858
General Assembly code of ethics–SB 56
Lobbyists, regulation of–HB 149
Political candidates, contributions by–HB 463
State officers and employes, prohibited interests–HB 224,

**PUBLIC OFFICERS AND EMPLOYEES**
Assistant county attorneys, number of–HB 278
Attorney General, state board memberships–SB 355
Audits of county budget–HB 202
City assessor, election and term–HB 60
City attorney's assistance in consumer protection cases–HB 742
City offices, appointive to elective–HB 753
Closing public offices–HB 355
Collective bargaining by–HB 300
College and university personnel–HB 383

**PUBLIC OFFICERS AND EMPLOYEES (Cont'd)**
Commonwealth's attorney, assistants and staff–HB 524
Commonwealth's attorney, supplemental personnel–HB 632
Conflict of interest, city officers and employees–HB 53
Conflict of interest, problems and laws concerning, study of–HJR 3
Coroners, assistants–HB 776
Corrupt practices act, applicability of–HB 448
County attorney, inferior court prosecutions by–SB 110
County officials' offices and benefits–HB 832
County school superintendent, election of–HB 382
Disclosure of income–HB 858
District detectives, number of–HB 768
Elected county officials, uniform audit of accounts of–HB 67
Employe leave for jury duty and court appearance–SB 251
Employment of ex-offenders–HB 16
Expense account, lump sum designation–HB 46
General Assembly code of ethics–SB 56
General Assembly leadership selection–HB 225
General Assembly Solicitor General–HB 90
Health maintenance coverage–HB 37
Hearing officer's report deadline–HB 819
Jailers, appointment of deputies–SB 288
Judicial retirement–HB 431
Law practice by–SB 159; HB 433
Mayors, compensation of–HB 809
Municipal attorney, city of 3rd, selection of–HB 822
Municipal employes, civil service vacancies–HB 807
Municipal employes, political activity by–HB 805
Patronage funds–HB 513
Peace officers, qualifications–HB 217
Planning commission members, nonconsecutive terms–HB 548
Police, basic training requirement–SB 118
Police, state, increase retirement benefits for–HB 504
Police, state, retirement computation–HB 506
Purchases Manager, State–HB 12
Recall by petition and special election–HB 176
Receipt requirements, county officials–HB 627
Retirement Service Credit, installment pubchase of–HB 392
Retirement systems, omnibus revision–HB 625
School board employes, fringe benefits–HB 597
School employes, removal–HB 454
School employes' insurance coverage–HB 74
School employes' leave–HB 241
School superintendent, appointment of–HB 352
Sheriffs' death benefits–SB 117
State Commissioner of Personnel, qualifications and procedures for appointing–HB 10
State employees
  annual evaluation–HJR 1
  bi-weekly pay–HB 723
  cost of living increment–HB 482
  exit interview program–HB 9
  holding local office by–HB 645
  leave for–HB 441
  legal defense–HB 761
  mandatory retirement–HB 538
  moving expenses–HB 480
  omnibus revision–HB 696
  overtime–HB 6
  political activities by–HB 487
  prohibited interests–HB 224,360
  retirement allowance–HB 534
  retirement service credit, use of sick leave for–HB 441
  sick leave credit for retirement–HB 481
  twenty years retirement–HB 495
  unclaimed savings bond contributions–HB 826
  work appraisal standards–HB 13
State officials, compensation increment–HB 558
State Police, early retirement by–HB 507
State Police, off-duty service by–HB 398
State Police officers, overtime pay for–HB 659
State police, promotion to Sgt.–HB 287
Teachers, leaves of absence–SB 241
Utility commission membership, cities of the second–HB 593
Wage deductions for union dues–HB 790

**PUBLIC RECORDS AND REPORTS**
Birth certificates, issuance to adoptive children–SB 166
Insurance companies, financial information publication–HB 738
Legislative Record distribution–HB 411
Open records–HB 138
Ordinances, cities second and third, summary reading of–SB 275
Plat and survey recording requirements–HB 275
Privacy and records management study–HJR 32

**PUBLIC SALARIES**
Circuit clerk's deputies–HB 547
Constables in certain counties–HB 620
Coroners' juries, compensation increment–HB 425
Coroners' monthly compensation–HB 420
Coroners' salaries, consumer price index adjustment–HB 423
County Judges, expense payment incrementt–SB 273
Election officers–HB 416
Expense account, lump sum designation–HB 46
Firemen's pay supplement and training–HB 619
General Assembly members–HB 146, 169
General Assembly members, annual report on–HB 586
General Assembly compensation–HB 558
Jailers' compensation–HB 253
Jurors' compensation increment–HB 277
Magistrates, per diem allowance for fiscal court duty–HB 520
Property valuation administrators–HB 455
School board members, counties with 1st–HB 394
School board members' per diem–HB 366
Sheriffs' pay supplement, effective date of–SB 262
State employes, bi-weekly–HB 723
State employees, cost of living increment–HB 482
State employees' overtime–HB 6
State officials–HB 558
State police officers, overtime pay for–HB 659
State police officers, overtime pay prohibition–HB 657
Teachers' salaries, indication in school audits–HB 77
Wage deductions for union dues–HB 790

**PUBLIC UTILITIES**
Area telephone service–HB 679
Cable television systems licensure–HB 557
Customer changes, list of–HB 272
Electrical energy rates determination–HB 842
Electrical inspectors, certification of–HB 706
Electricity, residential, sales tax exemption–HB 730
Fuel adjustment uniformity–HB 197
Gas companies, service to owners of property housing lines–HB 297
Gas systems, municipal bonds for–HB 475
Harassing telephone communications–HB 608
Highway construction relocation costs–HB 800
Income tax credit for rate reduction spending–HB 198
Income tax exemption–HB 400
Lifeline gas and electricuty–HB 555
Lifeline telephone service–HR 49
Municipal utilities, PSC jurisdiction study–HR 86
Rates, electrical, study resolution on–HR 55
Real property acquisitions, relocation assistance–HB 671
Residential electricity at commercial rates–HB 686
Residential electricity, sales tax exemption–HB 483
Sales tax exemption for services–HB 401
Sewer problems, hearings on–HJR 50
Sewerage corporations, rate change application notice–HB 476
Telephone directories in counties–HB 310
Telephone rate change notification–HB 228
Telephone rates charged county officers–HB 318
Tennessee Valley Authority–HR 103
TVA electric rates–HR 101
Utility commission membership, cities of second–HB 593
Water bills, sales tax exemption–HB 341
Water districts, acquired distribution systems of–HB 369

**PUBLIC WORKS**
Area Development Fund–HB 675
Assessment of benefited property–HB 688
Board membership, cities of 3rd–HB 840
Coal producing counties, specify public works eligible for appropriations–HB 511
Employment of Kentucky or unionized laborers for construction–HB 542
Financing through nonprofit corporations–HB 651
Prevailing wage, fringe benefit requirement–HB 773
Prevailing wage, "locality" defined–HB 129

**PURCHASING**
Bidding maximum for school building or repair–SB 276
Bidding, minimum amount–HB 11
Capitol construction contractors–HB 777
Model Procurement Code study–HJR 93, HR 136
Professional services, by public agencies–HB 689
Purchaser Manager–HB 12
Sheltered workshops, state purchasing preference–HB 623
Small business purchasing act–HB 737

**PURCHASING (Cont'd)**
State bids, notice and negotiation–SB 170
State contracts, non-discrimination clauses–HB 796
State price contracts, political subdivision participation–SB 101

**RACE RELATIONS**
Race, amendment request–HCR 23

**RACING**
Box seats at tracks, registration of–HB 859
Kentucky Derby lottery–HB 414
Pari mutuel wagering, exemption for–HB 531
Quarter horse and appaloosa race meeting dates–SB 264
Standardbred Development Fund–HB 699
Tickets, unclaimed pari-mutuel–HB 25

**RAILROADS**
Museum–HB 799
Operation of–HB 384
Policemen, delete constitutional oath requirement–HB 361
Safety of employes–HB 503
Wanton damage to–HB 419

**RATTLIFF, HERMAN**
HR 53, 63, 106; HB 136, 198, 232, 269, 270, 328, 484, 493, 586, 732
Elected Minority Caucus Chairman, page 9

**REAL ESTATE**
Agents, licensure–HB 19, 20
Aliens, ownership by–HB 468
Commission membership increase–SB 68
Home improvement, income tax deduction–HB 811
Land use planning, owners' protection from–HR 135
Low-cost housing–HB 764
Mortgage enforcement expenses–HB 467
Plat and survey recording requirements–HB 275
Privately owned, relinquished to public–SB 168
Rent attachment–SB 25
Trespassers, owner's liability to–HB 285
Uniform landlord-tenant act applicability–HB 395

**REAPPORTIONMENT**
Congressional districts 5 and 6–HB 256
House districts
  18 and 19–HB 664
  57 and 58–HB 348
  82 and 85-HB 769
  94 and 95–HB 784
State representative districts 1 and 4–HB 207
State representative districts 2 and 5–HB 240

**RETIREMENT AND PENSIONS**
Cities of the second class–HB 299
City employes, study concerning–HR 104
Firemen, cities of 3rd–SB 154
General Assembly retirement–HB 142
Higher education retirement study–HJR 78
Income tax exclusion–HB 405
Judicial retirement–HB 431
Judicial Retirement and Removal Commission–SB 274
Kentucky Employees, installment purchase of military service credit–HB 392
Kentucky Employees, twenty years retirement–HB 495
Local employes, hospitalization benefits for–HB 552
Military annuities, income tax exclusions–HB 340
Military service credit for state retirement–HB 415
Omnibus revision–HB 732
Pension and other funds, payment to estates–SB 121
Police and firemen, cities of 2nd–HB 687
Police and firemen, cities of 2nd, age for–HB 770
Police and firemen, cities of 3rd–HB 797
Police and firemen, cities of 3rd, credit for military service–HB 268
Police and firemen, income tax exemption–HB 836
Police and firemen, tax exemption on retirement benefits–HB 306, 317
Retirement credit for military service–HB 421
State and county system, omnibus revision–HB 625
State employes' allowances–HB 534
State employes, mandatory retirement–HB 538
State employes, sick leave credit for retirement–HB 481
State Police, early retirement–HB 507
State, use of sick leave for service credit–HB 441

**RETIREMENT AND PENSIONS (Cont'd)**
Teachers
  increased prior service payment–HB 492
  leave of absence service credit–HB 327
  out-of-state service credit–HB 522
  required special benefit payment–HB 658
Teachers benefits, income tax inclusion–HB 628
Teachers' retirement
  after 30 years–HB 295
  federal tax exemption–SCR 14
  sick leave credit–HB 75
  survivor benefits–HB 440
Teachers system credit, non-certified employes–HB 633

**RICHARDS, JODY**
HR 13, 37, 53, 67, 78, 81, 105, 106; HB 136, 167, 201, 248, 249, 254, 294, 369, 416, 493, 583, 587, 671, 724, 732, 752, 754, 755, 780

**RICHARDSON, BOBBY H.**
HR 8, 9, 10, 12, 13, 15, 17, 21, 34, 63, 64, 71, 76, 81, 89, 93, 99, 100, 106, 108, 109, 136, 141; HB 98, 114, 137, 186, 208, 209, 210, 211, 212, 213, 254, 255, 264, 287, 288, 289, 321, 334, 335, 336, 337, 338, 364, 365, 375, 402, 429, 430, 431, 432, 433, 434, 435, 438, 455, 456, 457, 458, 459, 493, 496, 497, 498, 499, 517, 548, 549, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 587, 609, 639, 640, 641, 642, 643, 644, 645, 646, 647, 651, 652, 674, 675, 676, 677, 678, 694, 695, 696, 697, 698, 699, 700, 712, 713, 731, 732, 737, 738, 739, 740, 741, 755, 758, 759, 760, 761, 762, 763, 764, 765, 782, 783, 838, 842, 850
Elected Majority Floor Leader, page 9

**RICHARDSON, PAUL**
HR 13, 37, 44, 53, 63, 106, 116; HB 278, 319, 321, 392, 402, 417, 493, 514

**ROBINSON, ALBERT**
HR 1, 13, 27, 41, 63, 106, 107; HB 4, 6, 9, 10, 13, 136, 264, 277, 755, 769

**ROMINES, ARCHIE N., SR.**
HR 5, 6, 13, 23, 33, 46, 53, 63, 72, 106, 122; HB 65, 66, 67, 85, 113, 114, 115, 136, 155, 157, 158, 159, 168, 187, 191, 193, 220, 229, 264, 269, 270, 276, 292, 300, 307, 332, 345, 363, 384, 391, 410, 413, 471, 505, 516, 555, 575, 576, 603, 604, 648, 662, 732, 733, 748, 771, 823

**SAFETY**
Care centers, safety standards publication–HB 488
Child care centers, safety standards drafting–HB489
Elevator inspection exemption–HB 493
Elevator safety inspection, fees–HB 124, 208
Elevator safety repeal–HB 372
Freight elevators, restrictions removed–HB 386
Glue, toluene and toluol prohibited in–HB 391
Motels, bedroom door safety locks–SB 307
OSHA inspection exemptions–HB 839
Protection of adults–SB 230
Quarries and pits, safety standards for–HB 120
Railroads, employes of–HB 503
Safety, mobile home and recreational vehicle seal of–HB 247
School accident reports–HB 616
School buses, pick-up of students–HB 229
Smoking areas in public places–HB 693

**SALE, FOREST "AGGIE"**
HR 13, 37, 53, 63, 106, 120; HB 70, 71, 136, 202, 220, 241, 319, 321, 352, 493, 583, 732, 829

**SALES**
Retail sales, item pricing–HB 410

**SALES AND USE TAX**
Burial equipment exemption–HB 684
Canes and necessary devices, exemption–HB 259
Diabetic supplies exemption–HB 793
Electricity, residential, sales tax exemption–HB 730
Exemption for local government–HB 47
Farm machinery repair parts, exemption–HB 172
Fuel for residential use, exemption–HB 198, 235, 345, 410
Fuel for residential use–HB 779
Historical site organizations, exemption–HB 583

**SALES AND USE TAX (Cont'd)**
Livestock supplies, exemption–HB 173
Mass transit financing–HB 716
Motor vehicle usage tax–HB 702, 703, 713
Motor vehicle use tax–HB 3, 148, 220, 222, 302
Prosthetic devices, exemption–HB 259, 351
Residential electricity charges, exemption–HB 483
Sales to governments, exemption–SB 203; HB 517
School events–HB 792
School events exemption–SB 374
Tombstones and grave markers, exemption–HB 447
Trailers, payment before registration–HB 246
Utilities for residential use, exemption–HB 401
Vending machine exemption–HB 324
Water bills, residential exemption–HB 341

**SCHMIDT, ARTHUR L.**
HR 13, 22, 26, 32, 48, 53, 63, 80, 106; HB 138, 141, 142, 147, 178, 179, 180, 196, 199, 201, 203, 217, 225, 226, 232, 269, 383, 414, 417, 452, 460, 466, 493, 601, 623, 710, 716, 732, 734, 755, 774, 787, 846,

**SCHNEIDER, FRANCES**
Elected Page, page 9

**SECRETARY OF STATE**
Petitions, validation of–SB 90

**SECURITIES**
Agricultural cooperatives–SB 102
Oil and gas rights as–HB 334
Take-over bids, prevention of–HB 349

**SEVERANCE TAX**
Appropriation of revenues from–HB 578
Coal miners' pneumoconiosis fund–SB 142
Coal Severance Economic Aid Fund–HB 674
Increase minimum liability–HB 494
Rate increment–HB 677

**SEWER SYSTEMS**
Construction, counties with 1st–HB 748
Extension or improvement, costs of–HB 545
Hearings concerning–HJR 50
New construction, use of existing facilities–SB 349
Operator certification fees–HB 337
Sewer and waste water management authority–HB 551
Sewerage corporations, rate change application notice–HB 476
Study concerning–SJR 41
Treatment plants, penalty for violation–HB 338
Urban county systems–HB 806
Waste water and sanitary sewerage disposal study–HR 122

**SHERIFFS AND CONSTABLES**
Constables in certain counties, salary increment–HB 620
Constables, parking in prohibited areas–HB 621
Constables, use of flashing lights–HB 736
Death benefits for sheriffs–SB 117
Fee liability for vehicle registration inspection–SB 290
Fire district taxes, fee for collection of–HB 610
Inspection of unregistered motor vehicles–HB 740
Special deputies for emergency situations–SB 224
Supplemental pay from state, effective date of–SB 262

**SHROAT, SANDRA**
Elected Page, page 9

**SIEMENS, GEORGE R., JR.**
HR 13, 40, 41, 63, 106, 113, 122; HB 30, 34, 35, 41, 44, 47, 63, 132, 136, 269, 276, 300, 330, 354, 368, 377, 389, 467, 468, 524, 525, 526, 533, 539, 546, 555, 575, 587, 596, 599, 617, 755, 824

**SILER, ERNEST**
HR 13, 37, 46, 53, 63, 106; HB 136, 161, 179, 225, 232, 241, 243, 269, 270, 307, 328, 341, 367, 384, 427, 493, 516, 601, 732, 744, 755, 769, 794, 860

**SPECIAL DISTRICTS**
Hospital districts without tax authority–SB 352
Library district trustees–HB 783
Petitions, preparation of–SB 90
Sewer extension or improvement costs–HB 545
Volunteer fire district, residence of trustees–HB 660
Water districts, acquired distribution systems of–HB 369

**STATE AGENCIES**
Administrative Procedures Act, uniform regulations under–HB 137
Administrative regulations, economic impact–HB 607
Advisory Council for Medical Assistance, home health care providers on–HB 509
Attorney General, state board memberships–SB 355
Audits, payment of costs to state auditor for–HB 350
Bank of Kentucky–HB 735
Bicentennial Oral History Commission, establishment of–HB 759
Biennial budget requests–HB 743
Blind, Commission for–HB 437
Board of Claims, reorganization–HB 639
Board of Ethics appropriations–SB 369
Board of Ethics, lobbying regulation duties–HB 149
Budgeting and financial impact of legislation–HB 51
Civil Air Patrol, appropriation–HB 158
Commission on Government Finance–HB 388
Condemnation actions–HB 290
Corrections Commission–SB 268
Council on Public Higher Education, establishment of primary service areas by–HB 267
Crime Victims Compensation Board–HB 639
Department for Natural Resources and Environmental Protection, change in name of bureaus–HB 457
Disaster services by–HB 64
Duplicate inspections and conflicting standards prohibited–SB 17
Economic Development Commission–HB 565
Education, Council on Education in Kentucky, creation of–HB 69
Education 16, department, accountability measures–HB 78
Employe work appraisal standards–HB 13
Employes bi-weekly pay–HB 723
Employes, legal defense–HB 761
Employes' moving expenses–HB 480
Employes' overtime–HB 6
Employes' unclaimed savings bond contributions–HB 826
Employment Advisory Council–SB 75
Evniroeconomic Council–HB 139
Executive Budget–HB 374
Executive Department for Finance and Administration, warrants on appropriations–SB 99
Fair Board membership–SB 296
Farm Development Authority repeal–HB 579
Funds, deposit in designated savings and loan associations–HB 782
Funds of professional licensing boards, transfer to general fund–HB 280
Health Services Cost Review Commission–HB 757
Heritage Commission, public comment and notice requirements–HB 141
Higher Education Assistance Authority–HB 601
Highways, Bureau of, control of thistles–HB 321
Housing, Buildings and Construction, Department of–HB 30
Human Resources, moratorium on hiring–HB 439
Human Rights Commission, abolition of–HB 603
Industrial Development Finance Authority–HB 704
Judicial Retirement and Removal Commission–SB 274
Kentucky Heritage Commission headquarters–SB 98
Kentucky Housing Corporation–SB 329; HB 764
Legislative Research Commission, membership increment–HB 707
Libraries, State Advisory Council on–HB 783
Local Government, Department for–HB 58
Motor Vehicle Dealers Board membership–SB 299
Municipal Statute Revision Commission–HB 57
Natural Resources and Environmental Protection, departmental legal actions–HB 456
Notices by postcard–HB 853
Occupational and Professional Regulation, Commission on–HB 23
Office of Geriatrics–Gerontology, establishment of–HB 466
Officials, financial discolsure by–HB 858
Open records–HB 138
Personnel, annual employe turnover analysis–HB 9
Personnel, annual evaluation–HJR 1
Personnel Board, certification of candidates for Commissioner of Personnel by–HB 10
Pollution Abatement Authority–SB 342
Postsecondary Education Commission–HB 816
Price contracts, political subdivision participation–SB 101
Professional Practices and Certification Commission, teacher licensure and certification by–HB 582
Professional services, competitive selection–HB 689
Property and Building Commission, definition of–SB 344
Public Service Commission–HB 842
Real Estate Commission, increase membership on–SB 68
Regional Development Assistance Offices–HB 622
Registry of Election Finance, abolishment of–HB 223

**STATE AGENCIES (Cont'd)**
Regulatory boards, assistance to–HB 559
Reorganization–HB 499
Sewer and waste water management authority–HB 551
Sovereign immunity abolition–HB 781
State Auditor, uniform standards for audits of county officials' accounts–HB 67
State Board of Education, regulations on school photography and high school annuals–HB 818
State Fair Board facilities use–HB 359
State personnel examination, provision for ex-offenders–HB 848
Textbook Commission, increase in membership–HB 270
Transportation Department, cemetery maintenance–HB 409
Turnpike Authority, corporate status–SB 337
Urban Affairs Council membership–HB 42
Universities and colleges, deletion as–SB 344
Vocational Education Advisory Council–HB 640

**STATE SYMBOLS**
Coffeetree as state tree–SB 150

**STATUTES**
Municipal Statute Revision Commission–HB 57
State, Federal regulations in conflict with–HCR 14

**STREETS AND SIDEWALKS**
City and unincorporated streets, county maintenance of–HB 663
Traffic signals at school crossings–HB 581

**STEPHENS, DON W.**
HR 13, 37, 60, 61, 71, 106, 114, 120, 138; HB 31. 46, 47, 61, 70, 73, 175, 202, 236, 241, 352, 373, 422, 473, 514, 587, 599, 661, 690, 709, 732, 733, 828

**STEWART, GEORGE E.**
HR 13, 53,; HB 68, 136, 168, 187, 473, 490, 493, 516, 578, 592, 797

**STRIP MINING**
Bond requirement increase–HB 459
Broad form deed–HB 200, 701
Notice of intention to mine–HB 626
Permit application prerequisites–HB 667
Permit suspension hearing–HB 744
Reclamation plan approval–HB 697
Reclamation plan and bond requirement–HB 667
Reclamation plan, consent of surface owner–HB 200
Reclamation regulations, application date–HB 490
Retainage against replanting–HB 697
Safety rules–HR 88

**STUDIES DIRECTED**
Age discrimination in employment and training programs, advisory committee–HR 111
Building and housing industry–HR 58
City employes retirement–HR 104
Coal gasification plant location–HR 47
Conflict of interest laws–HJR 3
Education issues–HR 61
Education statutes–SJR 11; HJR 25
Educational achievement–HJR 71
Electrical utility rates–HR 55
Execution methods–HR 98
Higher education retirement study–HR 78
Insurance agents–HR 87
Interim committee bills–HR 107
Interim Joint Committee on Business Organizations and Professions–HR 119
Internal Security Committee–HR 46
Jefferson County local government multiplicity–HR 94
Kindergarten programs–HR 124
Lifeline telephone service–HR 49
Minerals taxation–HR 59
Model Procurement Code–HJR 93; HR 136
Municipal utilities, PSC jurisdiction study–HR 86
Needs of children–HB 40
Non-certified school employes retirement–HR 115
Nuclear wastes-Department for Natural Resources–HJR 102
Personnel practices–HJR 27
Police, mandatory training of–HR 90
Privacy and records management–HJR 32
Privacy right, study commission on–SJR 13
Public assistance employment, subcommittee on–HR 117
Radioactive waste disposal–HJR 100

**STUDIES DIRECTED (Cont'd)**
Rights of Mentally Retarded, Commission on–SJR 25
  Sewer systems–SJR 41
  Short term general assistance–HB 81
  Task Force on Short-Term Emergency Assistance–HR 96
Teachers' fringe benefits study–HJR 64
Waste water and sanitary sewerage disposal–HR 122

**TAXATION**
Ad valorem assessment, state, local use–SB 277
Agricultural land–SB; 1 HB 502
Alcoholic beverage tax revenue sharing–HB 528
Alcoholic beverages, federal tax rebate–HCR 70
Busing of pupils, prohibit public funds for–HB 168, 516
Canes and necessary devices, sales tax exemption–HB 259
Cities use of property valuation administrator's assessment–HB 39
City and county license taxes on savings and loans–HB 749
City insurance tax, fee for collection of–HB 174
City tax increment return to urban renewal and community development agencies–HB 48
Coal severance and franchise tax–HB 494
Compensating tax rate of cities–HB 61
Corporation license tax, apportioning of total capital–SB 187
Delinquent ad valorem tax penalty–SB 119
Estate tax, repeal–HB 635
Fire district taxes, fee for collection of–HB 610
Fuel for residential use, sales tax exemption–HB 198, 235, 345
Gasoline tax revenue for city streets and roads–HB 54, 553
Home improvement deduction–HB 811
Homestead exemption definition–HB 569
Income tax
  credit, interest on withholding or estimated tax payments–HB 381
  credits and standard deduction–SB 203; HB 517
  credits for contributions to institutions of higher learning–HB 232
  deduction for higher education expense–HB 328
  exclusions for military personnel–HB 340
  federal annuity exclusion–SB 156; HB 791
    form–HB 380
  military reserve credit–HB 182
  preparers–HB 556
  public utilities exempt–HB 400
  retirement exclusion–HB 405
  standard deduction–HB 14
  teachers retirement exclusion–HB 628
Inheritance tax exemptions–SB 203; HB 167, 221, 242, 312, 486, 517
Insurance premiums tax, contribution as write-offs–HB 600
License tax, military reserve exemption–HB 181
Life insurance premium tax exemption–HB 393
Local tax effort for schools, agricultural land assessment under–HB 698
Malt beverage, excise tax credit for–HB 17
Mass transit financing–HB 716
Minerals taxation, study–HR 59
Motor carriers, property tax apportionment–SB 258
Motor fuel tax, exemption for taxicabs–HB 244
Motor fuel tax, LP gas exemption–HB 629
Motor vehicle property tax requirement–HB 7
Motor vehicle usage tax–HB 148, 152, 220, 222, 302, 702,
Motor vehicle usage tax, redefining "retail price"–HB 713
Motor vehicle use tax reciprocity–HB 3
National Guard, occupational license tax exemption–SB 116
Occupational license tax exemption–HB 390
Occupational license tax, military reserve exemption–HB 170
Omnibus administrative revision–HB 549
Pari-mutuel, ½ percent increase for promotion of horse industry–HB 579
Police and firemen's retirement exemption–HB 306,317
Political contribution check-off on income tax return–SB 254
Power Equalization Fund for schools–HB 4
Property, assessment of–HB 669
Property assessment, date for valuation–HB 747
Property tax overpayment refund–HB 637
Property tax payment at banks–HB 752
Property tax, preparation and form of bills–HB 856
Radioactive waste material excise–HB 838
Sales tax, burial equipment exemption–HB 684
Sales tax, trailers, semitrailers, and housetrailers–HB 246
Sales tax exemptions–HB 47, 172, 173, 324, 341, 351, 401, 447, 483, 583, 730, 779, 792, 793
School budgets, tax rate limits–SB 279
School tax levy, responsibility for–HB 73
Severance tax credit equal to franchise tax–HB 312

**TAXATION (Cont'd)**
State tax revenue sharing with counties–HB 316
Supplemental tax by cities for police, fire or garbage collection services–HB539
Trotting track excise increment–HB 699
Truck weight tax–SB 96
Truck weight tax, mileage limit for reduction–HB 342
Utilities, corporate tax credit–HB 198

**TEACHERS**
Corporal punishment–HB 171
Creation instruction, bible use–SB 50
Emergency leave increment–HB 241
Faculty and personnel–HB 383
Fringe benefits–HB 597
Fringe benefits study–HJR 64
Home bound instruction requirements–HB 164
Inclusion on board of education membership–HB 452
Insurance coverage–HB 74
Leaves of absence for professional purposes–SB 241
Licensure and certification–HB 582
Limited contracts, nonrenewal of–SB 113
Personal leave for school employes–HB 248
Professional negotiations for–SB 200
Reassignment and salary determination–HB 347
Removal–HB 454
Requirement for certification of–HB 685
Retirement after 30 years–HB 295
  federal tax exemption–SCR 14
  increased prior service payment–HB 492
  omnibus revision–HB 732
  out-of-state service credit–HB 522
  required special benefit payment–HB 658
  service credit for leave of absence–HB 327
  service credit, use of sick leave for–HB 75
  survivors' benefits–HB 400
Retirement benefits, income tax exclusion–HB 628
Salaries, indication in school audits–HB 77
School calendar, teachers' meeting days–SB 354
Sick leave, accumulated, payment for–HB 649
Sick leave for immediate family purposes defined–HB 249
Standard pay scale for substitutes–HB 284
Suspension of contracts–HB 812
Transfer of accumulated sick leave required–SB 184

**TEXTBOOKS**
Free distribution through grade twelve–HB 270
Secondary schools, state purchase–SB 89

**THOMAS, SAM B.**
HR 31, 44, 51, 63, 106; HB 21, 25, 28, 123, 136, 167, 237, 241, 244, 257, 264, 269, 322, 353, 390, 444, 473, 493, 500, 522, 755

**TIME**
Daylight savings, exemption–HB 673

**TOBACCO**
Burley tobacco assessment referendum–SB 316
Burley tobacco, increase tariff–SCR 6
Smoking areas in public places–HB 693
Smoking on school grounds–HB 178

**TOBIN, MARY ANN**
HR 13, 42, 44, 53, 63, 68, 87, 106; HB 136, 269, 320, 342, 390, 416, 447, 453, 473, 664, 746, 755, 799

**TOURISM**
Commissions, membership in counties with 1st–SB 193

**TRADE PRACTICES AND RETAILING**
Antitrust–HB 646
Consumers' claims and defenses–SB 220
Eyeglasses, advertising of–HB 577
Funeral directors, itemization of services–HB 535
Item pricing–HB 410
Motor vehicles, sale and merchantability of–HB 771
Resale price maintenance repeal–HB 644
Time price differential maximum–HB 397
"Unfair" practices declared unlawful–HB 114
Used car sales, previous owner information–HB 652
Vending machine sales, price limit–HB 720

**TRAFFIC SAFETY**
Accident reporting–SB 298
Accident reports–HB 344
Accidental homicide, issue of summons for–HB 815
Accidents, duties at scene of–HB 87
Accidents, operator's duties following–HB 728
Highway pavement edge markings–HB 311
Limited access highways, restrictions on–HB 403
Misdemeanor violations–HB 814
Motor vehicle operators, blood alcohol test refusal–SB 20
Motorized bicycles–HB 780
Reckless driving, definition–HB 83
School bus inspection enforcement–HR 72
Semi-trailers and trucks on Kyle's Lane, prohibition–HR 69
Speed limit termination exclusion–HB 430
Speed regulation–HB 159
Traffic signals at school crossings–HB 581
Uniform Vehicle Code provisions–HB 84

**TRAILERS AND RECREATIONAL VEHICLES**
Dealers, temporary licensure–SB 339
Registration exemption deletion–HB 855
Registration, sales tax payment requisite–HB 246
Regulatory requirements–SB 188
Trailers and recreational vehicles, safety of–HB 247

**TRANSPORTATION**
Air charter permit requirements–HB 567
Airport approach zone deletion–HB 560
Airport permit application fee–HB 573
Airport security personnel–HB 572
Blind or deaf pupils, transportation of–HB 71
Coal road funds petition–HR 83
Community air service, reimbursement for development of–HB 562
Condemnation actions exemption for bureau of highways–HB 290
Energy Road Fund–HB 678
Exceptional children, contractual services for–HB 163
Highway Revenue bonds, legislative approval–HB 86
Mass transit financing–HB 716
Motor carriers, operating rights abatement–HB 595
Parking by veterans–HB 136
Public transit authorities, creation of–HB 31
Railroad, employes of–HB 503
Railroads, wanton damage to–HB 419
Railroad operation–HB 384
Resource recovery roads–HB 676
School bus projects for aged and handicapped–HB 343
Taxicabs, motor fuel tax exemption for–HB 244

**TREASURER**
Daily receipts report–HB 825

**TURNER, JOHN RAYMOND**
HR 13, 53, 63, 106; HB 68, 136, 168, 254, 493, 516, 706, 732

**TURNER, RICHARD A.**
HR 53, 62, 63, 106; HB 172, 173, 195, 197, 198, 269, 333, 355, 385, 428, 511, 578, 732, 755

**UNEMPLOYMENT COMPENSATION**
Benefit maximum increment–HB 104
County offices for–HB 286
Eligibility–HB 133
Eligibility, employes of elementary and secondary schools–HB 132
Employer's liability–HB 192
Spouse's Transfer, benefits following–HB 103
Suitable work–HB 105
Wage definitions–SB 32
Waiting period deleted–HB 111

**UNIFORM LAWS**
Conference on uniform coal legislation–HR 99
Landlord and Tenant Act, extension to counties with 2nd–HB 282
Minors, gifts to; definition of minor–HB 91
Trustees: Powers Act, in omnibus revision of decedents' estates–HB 98
Uniform Reciprocal Enforcement of Support Act–HB 765
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act–SB 358

**UNITED STATES**
Authority of states, urging cessation of usurpation–HR 2
Beef imports limitation–HR 44
Bible reading and prayer in schools–HCR 13
Bill board preservation–HR 142
Congressional districts 5 and 6, redistricting–HB 256
Corps of Engineers projects, state participation in–HJR 66
Daylight savings, exemption–HB 673
Employment of youth, urge legislation for–HCR 67
Equal Rights Amendment, rescind ratification–HJR 7
Federal agency regulations–HCR 14
Federal Child and Family Service Act, disapproval of–HR 62
Federal spending within federal revenues, amendment request to require–SCR 23
Huddleston, Senator Walter "Dee", commending–HR 33
Internal Security Committee–HR 46
Land use planning, owners' protection from–HR 135
Peoples Bicentennial Commission, urge no public funds for–HR 34
Race, amendment request–HCR 23
Ratification of the thirteenth, fourteenth and fifteenth amendments–HJR 75
Recall of federal judiciary, initiative and referendum–HCR 65
Tennessee Valley Authority–HR 103
TVA electric rates–HR 101
Unborn, civil rights amendment–HCR 68

**UNIVERSITIES AND COLLEGES**
Aged persons, free tuition for–HB 590
Community and municipal college advisory boards–SB 84
Community college course transferability–HB 76, 266
Community college system, trustees for–HB 554
Course standardization–HB 260
Credit transferability–HB 775
Definition for revenue bonds issuance–SB 344
District cooperative extension education tax, maximum yield per county–HB 605
Faculty contractual status and dismissal–HB 296
Fees of non-Kentucky residents, required total cost amount–HB 214
Hazard Community College, conversion to four-year institution–HR 54; HJR 57
Higher Education Assistance Authority–HB 18
Higher education retirement study–HJR 78
Jefferson Community College location–HB 354
Management of institutional funds–HB 24
Northern Kentucky State College, university status–HB 180
Personnel, professional negotiations for–SB 200
Presidents, commendation of–HR 132
Primary service areas, establishment of–HB 267
U. of K. Medical Center, malpractice insurance–HB 712
UK, U ofL athletic contests–HJR 38
UK Mining School–HR 123
U of L Board of Trustees, nominees for–SB 189

**URBAN RENEWAL**
Condemnation for; exempt from provisions of Act-HB 245
Dilapidated housing, repair or demolition of–HB 377
Housing Rehabilitation Loan Fund, creation of–HB 35
Urban homesteading enabling act for housing rehabilitation programs–HB 34

**VETERANS AFFAIRS**
Death certificate fee, veteran's widow exemption–HB 711
Disabled, motor vehicle license sticker for–HB 304
Disabled, parking by–HB 136
Handicapped, motor vehicle registration–HB 471
Military service credit for state retirement–HB 415
Retirement, income tax inclusion–HB 340
Retirement credit for military service–HB 421
Viet Nam bonus–HB 767

**VETERINARIANS**
Abandoned animals–SB 144; HB 541
Continuing education requirement–SB 145; HB 484
Rabies vaccine sales–HB 725
Technicians, practice by–SB 145; HB 484

**VINCENT, G. W. (BILL)**
HB 13, 23, 33, 37, 44, 53, 63, 106, 131, 135; HB 84, 86, 87, 172, 173, 215, 254, 309, 320, 333, 363, 369, 390, 417, 418, 493, 547, 578, 732, 744, 755, 799

**VOTING**
Absentee voting, assistance for–HB 575
Disabled voters, physician's statement–HB 576
Election law, technical revision–HB 325
Election officers, increase in compensation–HB 257, 416
Election precincts–HB 648
Establishment of vice presidential primary–HB 264
Negative selection–HB 417
News media present at vote count–SB 176
Party lines, prohibit use of–HB 195
Polling site designations–SB 186; HB 726
Presidential primary, uncommitted vote–HB 444
Primary election, change of day–HB 151
Purgation of voters–HB 272
Registration cards and distribution of forms–SB 33
Registration list purge requirement–HB 239
Study of ballot conditions–HR 41

**WAGES AND HOURS**
Agricultural workers, definition for minimum wage–HB 373
Deduction limitations–HB 367
Deductions from wages, restrictions on–HB 116
Definitions–HB 118
Dismissal, compensation following–HB 119
Disputes, restraining or enjoining orders in–HB 533
Employment agencies–SB 75
Employment practices–HB 187
Failure to pay when due–HB 313
Gratuities withholding–HB 117
Minimum wage increase–HB 122
Overtime compensation requirement exemptions–HB 650
Overtime, exemption of taxicab companies–HB 436
Prevailing wage, fringe benefit requirement–HB 773
Prevailing wage, "locality" defined–HB 129
Public employes, wage deductions for union dues–HB 790
Semi-monthly pay period–HB 123
Special Fund, percentage paid on occupational disease claims–HB 131
State employees' overtime–HB 6
Strikebreaking–HB 112
Substitute teachers–HB 284
Wage deductions, statement showing–HB 121

**WASTE DISPOSAL**
Household solid waste disposal–HB 32
Sewer and waste water management authority–HB 551
Sewer construction, use of existing facilities–SB 349
Sewer system operator certification fee–HB 337
Sewer systems study–SJR 41
Sewer treatment plants, penalty for violation–HB 338
Sewers in urban counties–HB 806

**WATERWAYS AND DAMS**
Corps of Engineers projects, state participation in–HJR 66
Permits for use of public water–HB 38
Pollution discharge–HB 458
Wild Rivers System–SB 309

**WATERWORKS**
Water districts, acquired distribution systems of–HB 369
Water treatment plants, penalty for violation–HB 338

**WATTS, MARGARET**
Elected Enrolling Clerk, page 9

**WEIGHTS AND MEASURES**
Agricultural seeds, labeling–HB 362

**WELFARE**
AFDC, Suitable Home Law, repeal–SB 174
Employment of recipients–HR 117
General Assistance Program, creation of–HB 81
Illegitimate children, public assistance for–HB 309
In-home services for elderly–SB 347
Medical assistance, provision of dentures–HB 464
Medical assistance reimbursement for clinics–SB 195
Out of wedlock children, limit aid to–HB 332
Outreach programs, establish–HB 376
Public assistance and food stamps, eligibility for–HB 847

**WELLS, DWIGHT**
HR 13, 44, 66, 106, 108, 120; HB 5, 8, 15, 148, 319, 321, 452, 493, 590,635, 755
Elected Majority Whip, page 9

**WHITE, JIMMY**
HR 13, 44, 106; HB 136, 192, 227, 241, 269, 277, 295, 296, 347, 361, 378, 416, 490, 578, 633, 713, 732, 755, 825, 826

**WHITE, JOHN E.**
Elected Chief Doorkeeper, page 9

**WIBLE, CHARLES S.**
HR 1, 3, 13, 27, 32, 48, 53, 56, 63, 83, 86, 98, 106; HB 9, 13, 14, 136, 138, 139, 140, 141, 147, 149, 165, 170, 201, 236, 264, 269, 314, 360, 407, 422, 431, 432, 433, 434, 435, 438, 473, 510, 544, 547, 553, 587, 593, 599, 731, 732, 755, 799

**WILLS AND ESTATES**
Disclaim by deed, legatee's authority–HB 766
Estate tax, repeal–HB 635
Inheritance tax exemptions–HB 167, 221, 242, 314
Omnibus revision–HB 98
Pension and other funds, payment to estates–SB 121
Use of gifts to charitable institutions–HB 24

**WITNESSES**
Alibi witnesses, notice concerning–HB 525
Complaining witness in sexual offense cases–HB 143
Summons, peace officer's fee–HB 606
Testimony by clergy–HB 755
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act–SB 358

**WOODEN, MICHAEL W.**
HR 13, 40, 41, 53, 63, 67, 106, 122; HB 81, 136, 171, 178, 191, 225, 264, 269, 276, 292, 354, 391, 395, 407, 464, 466, 536, 546, 555, 574, 575, 576, 577, 597, 612, 620, 621, 662, 717, 755, 780, 799, 810, 811, 855

**WOMEN**
Discrimination based on sex–HB 128
Equal Rights Amendment, rescind ratification–HJR 7
Permanent waves, application of–HB 634
Sex discrimination–HB 550

**WORKMEN'S COMPENSATION**
Attorney's fee regulation–HB 329
Black lung, procedure and time limits for filing of claims–HB 107
Board, responsibilities of–HB 429
Business owners, designation as employes–HB 100
Chiropractic services–HB 346
Claims, extensions of filing time period–HB 101
Claims, lump sum payment to estate–HB 510
Claims, statute of limitations expiration–HB 727
Coal miners black lung fund–HB 130
Coal miners' pneumoconiosis fund–SB 142
Cross-appeal within 20 days of appeal–SB 146
Disability benefit increment–HB 109
Disability benefits, payment of–HB 682
Hearings on contested claims–HB 477
Income benefits, annual adjustment–HB 110
National Guard members' coverage–SB 243
Occupational disease benefits, maximum and minimum–HB 571
Pneumoconiosis fund–HB 614
Reimbursements to Special Fund–HB 450
Religious and charitable institutions, exemption–HB 418
Revision of exemptions–HB 106
Security Proof Filing–HB 108
Travel expenses for claimants–HB 844
Uninsured Employers Fund, lien for–HB 568

**WRIGHT, DEXTER S.**
HR 23, 37, 53, 68, 106, 122; HB 68, 136, 168, 187, 193, 276, 333, 354, 416, 417, 474, 493, 603, 604, 656, 755, 799, 843

**YATES, JAMES B.**
HR 5, 6, 13, 41, 46, 53, 65, 122; HB 68, 84, 85, 87, 117, 120, 122, 125, 127, 134, 136, 143, 168, 193, 269, 276, 292, 303, 330, 363, 377, 384, 394, 407, 413, 466, 504, 505, 506, 507, 536, 604, 610, 648, 660, 662, 748, 755, 799, 808